

104TH CONGRESS
2D SESSION

S. 1854

To amend Federal criminal law with respect to the prosecution of violent and repeat juvenile offenders and controlled substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 1996

Mr. ASHCROFT for Mr. DOLE (for himself, Mr. HATCH, Mr. LOTT, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend Federal criminal law with respect to the prosecution of violent and repeat juvenile offenders and controlled substances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Violent and Repeat Juvenile Offender Reform Act of
6 1996”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JUVENILE JUSTICE REFORM ACT OF 1996

- Sec. 101. Short title.
- Sec. 102. Findings and declaration of purposes.
- Sec. 103. Treatment of juvenile offenders.
- Sec. 104. Capital cases.
- Sec. 105. Definitions.
- Sec. 106. Notification after arrest.
- Sec. 107. Detention prior to disposition.
- Sec. 108. Speedy trial.
- Sec. 109. Dispositional hearings.
- Sec. 110. Use of juvenile records.
- Sec. 111. Repeals.
- Sec. 112. Admissibility of certain evidence.
- Sec. 113. Increased mandatory minimum sentences for criminals possessing firearms.
- Sec. 114. Injunctions to protect safe public enjoyment of Federal lands.
- Sec. 115. Armed Career Criminal Act predicates: serious juvenile delinquency drug trafficking adjudications.
- Sec. 116. Incarceration of violent offenders.
- Sec. 117. Sentencing guidelines.
- Sec. 118. Mandatory minimum prison sentences for persons who use minors in drug trafficking activities or sell drugs to minors.

TITLE II—FEDERAL GANG VIOLENCE ACT OF 1996

- Sec. 201. Short title.
- Sec. 202. Increase in offense level for participation in crime as a gang member.
- Sec. 203. Amendment of title 18 with respect to criminal street gangs.
- Sec. 204. Interstate and foreign travel or transportation in aid of criminal street gangs.
- Sec. 205. Solicitation or recruitment of persons in criminal gang activity.
- Sec. 206. Crimes involving the use of minors as RICO predicates.
- Sec. 207. Transfer of firearms to minors for use in crime.
- Sec. 208. Penalties.
- Sec. 209. Serious juvenile drug offenses as Armed Career Criminal Act predicates.
- Sec. 210. Increase in time limits for juvenile proceedings.
- Sec. 211. Applying racketeering offenses to alien smuggling and firearms offenses.
- Sec. 212. Additional prosecutors.

TITLE III—FEDERAL YOUTH VIOLENCE CONTROL ACT OF 1996

- Sec. 301. Short title.
- Sec. 302. Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974.
- Sec. 303. Transfer of functions and savings provisions.

TITLE IV—FEDERAL YOUTH VIOLENCE PREVENTION ACT OF
1996

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Purposes.
- Sec. 404. Definitions.
- Sec. 405. Allocation of funding.

Sec. 406. State application.
 Sec. 407. Local application.
 Sec. 408. Distribution to grant recipients.
 Sec. 409. Reallotment and reallocation.
 Sec. 410. Authorizations of appropriations.
 Sec. 411. Uses of funds.
 Sec. 412. Repeal of unnecessary and duplicative programs.
 Sec. 413. Civil monetary penalty surcharge.
 Sec. 414. Housing juvenile offenders.
 Sec. 415. Funding source.

1 **TITLE I—JUVENILE JUSTICE**

2 **REFORM ACT OF 1996**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Juvenile Justice Re-
 5 form Act of 1996”.

6 **SEC. 102. FINDINGS AND DECLARATION OF PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) at the outset of the 20th century, the States
 9 adopted 2 separate juvenile justice systems for vio-
 10 lent and nonviolent offenders;

11 (2) violent crimes committed by juveniles, such
 12 as homicide, rape, and robbery, were an unknown
 13 phenomenon at that time, but the rate at which ju-
 14 veniles commit such crimes has escalated astronomi-
 15 cally since that time;

16 (3) in 1994—

17 (A) the number of persons arrested overall
 18 for murder in the United States decreased by
 19 5.8 percent, but the number of persons under

1 15 years of age arrested for murder increased
2 by 4 percent; and

3 (B) the number of persons arrested for all
4 violent crimes increased by 1.3 percent, but the
5 number of persons under 15 years of age ar-
6 rested for violent crimes increased by 9.2 per-
7 cent, and the number of persons under 18 ar-
8 rested for such crimes increased by 6.5 percent;

9 (4) from 1985 to 1996, the number of persons
10 arrested for all violent crimes increased by 52.3 per-
11 cent, but the number of persons under age 18 ar-
12 rested for violent crimes rose by 75 percent;

13 (5) the number of juvenile offenders is expected
14 to undergo a massive increase during the first 2 dec-
15 ades of the 21st century, culminating in an unprece-
16 dented number of violent offenders under the age of
17 18;

18 (6) the rehabilitative model of sentencing for ju-
19 veniles, which the Congress rejected for adult offend-
20 ers when it enacted the Sentencing Reform Act of
21 1984, is inadequate and inappropriate for dealing
22 with violent and repeat juvenile offenders;

23 (7) the Federal Government should encourage
24 the States to experiment with progressive solutions
25 to the escalating problem of juveniles who commit

1 violent crimes and who are repeat offenders, includ-
2 ing prosecuting all such offenders as adults, but
3 should not impose specific strategies or programs on
4 the States;

5 (8) an effective strategy for reducing violent ju-
6 venile crime requires greater collection of investiga-
7 tive data and other information, such as fingerprints
8 and DNA evidence, as well as greater sharing of
9 such information among Federal, State, and local
10 agencies, including the courts, in the law enforce-
11 ment and educational systems;

12 (9) data regarding violent juvenile offenders
13 must be made available to the adult criminal justice
14 system if recidivism by criminals is to be addressed
15 adequately;

16 (10) holding juvenile proceedings in secret de-
17 nies victims of crime the opportunity to attend and
18 be heard at such proceedings, helps juvenile offend-
19 ers to avoid accountability for their actions, and
20 shields juvenile proceedings from public scrutiny and
21 accountability;

22 (11) the injuries and losses suffered by the vic-
23 tims of violent crime are no less painful or devastat-
24 ing because the offender is a juvenile; and

1 (12) the investigation, prosecution, adjudica-
2 tion, and punishment of criminal offenses committed
3 by juveniles is, and should remain, primarily the re-
4 sponsibility of the States, to be carried out without
5 interference from the Federal Government.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to reform juvenile law so that the para-
8 mount concerns of the juvenile justice system are
9 providing for the safety of the public and holding the
10 juvenile wrongdoer accountable for his or her ac-
11 tions, while providing the wrongdoer a genuine op-
12 portunity for self-reform;

13 (2) to revise the procedures in Federal court
14 that are applicable to the prosecution of juvenile of-
15 fenders;

16 (3) to address specifically the problem of violent
17 crime and controlled substance offenses committed
18 by youth gangs; and

19 (4) to encourage and promote, consistent with
20 the ideals of federalism, adoption of policies by the
21 States to ensure that the victims of crimes of vio-
22 lence committed by juveniles receive the same level
23 of justice as do victims of violent crimes that are
24 committed by adults.

1 **SEC. 103. TREATMENT OF JUVENILE OFFENDERS.**

2 Section 5032 of title 18, United States Code, is
3 amended to read as follows:

4 **“§ 5032. Delinquency proceedings in district courts;**
5 **juveniles tried as adults; transfer for**
6 **other criminal prosecution**

7 “(a) IN GENERAL.—A juvenile who has attained his
8 or her 13th birthday and who is alleged to have committed
9 an act of juvenile delinquency which, if committed by an
10 adult, would be a felony offense, shall be tried in the ap-
11 propriate district court of the United States—

12 “(1) as an adult—

13 “(A) if the offense charged is a crime of vi-
14 olence, as defined in section 16 of this title, in-
15 cluding murder and rape, or an offense de-
16 scribed in section 401 of the Controlled Sub-
17 stances Act (21 U.S.C. 841) or section 1002(a),
18 1003, 1005, 1009, or paragraph (1), (2), or (3)
19 of section 1010(b) of the Controlled Substances
20 Import and Export Act (21 U.S.C. 952(a), 953,
21 955, 959, 960(b) (1), (2), (3)), subsection (b),
22 (g), or (h) of section 924 of this title, or section
23 922(x) of this title;

24 “(B) if the juvenile who is alleged to have
25 committed the offense—

1 “(i) previously has been found guilty
 2 of 3 prior felonies, committed on occasions
 3 different from one another, under Federal
 4 or State law; or

5 “(ii) has been adjudicated a juvenile
 6 delinquent under Federal or State law for
 7 3 prior offenses, committed on occasions
 8 different from one another, that would
 9 have been felonies if the juvenile had been
 10 tried as an adult; or

11 “(C) at the discretion of the United States
 12 Attorney having lawful jurisdiction of the of-
 13 fense, upon a finding by the United States At-
 14 torney, which finding shall not be subject to re-
 15 view in or by any court, that there is a substan-
 16 tial Federal interest in the case or the offense
 17 to warrant the exercise of Federal jurisdiction;
 18 and

19 “(2) in all other cases, as a juvenile.

20 “(b) REFERRALS BY UNITED STATES ATTORNEY.—

21 “(1) IN GENERAL.—If the United States Attor-
 22 ney in the appropriate jurisdiction declines prosecu-
 23 tion of a charged offense, as outlined in subsection
 24 (a)(2), that United States Attorney may refer the

1 matter to the appropriate legal authorities of the ap-
 2 propriate State or Indian tribe.

3 “(2) DEFINITIONS.—For purposes of this sec-
 4 tion—

5 “(A) the term ‘State’ includes a State of
 6 the United States, the District of Columbia,
 7 and any commonwealth, territory, or possession
 8 of the United States; and

9 “(B) the term ‘Indian tribe’ has the same
 10 meaning as in section 4(e) of the Indian Self-
 11 Determination and Education Assistance Act.

12 “(c) APPLICABLE PROCEDURES.—Cases prosecuted
 13 in a district court of the United States under this sec-
 14 tion—

15 “(1) shall proceed in the same manner as is re-
 16 quired by this title and by the Federal Rules of
 17 Criminal Procedure in proceedings against an adult
 18 in the case of a juvenile who is being tried as an
 19 adult in accordance with subsection (a); and

20 “(2) in all other cases, shall proceed in accord-
 21 ance with this chapter, unless the juvenile has re-
 22 quested in writing, upon advice of counsel, to be pro-
 23 ceeded against as an adult.

24 “(d) CAPITAL CASES.—In the event that a juvenile
 25 is tried and sentenced as an adult, the juvenile shall be

1 subject to being sentenced to death on the same terms
2 as an adult.

3 “(e) APPLICATION OF LAWS.—In any case in which
4 a juvenile is prosecuted in a district court of the United
5 States as an adult, the juvenile shall be subject to the
6 same laws, rules, and proceedings regarding sentencing
7 that would be applicable in the case of an adult, and no
8 juvenile sentenced to a term of imprisonment shall be re-
9 leased from custody simply because the juvenile reaches
10 the age of 18 years.

11 “(f) OPEN PROCEEDINGS.—Any offenses tried in a
12 district court of the United States pursuant to this section
13 shall be open to the general public, in accordance with
14 rules 10, 26, and 31(a) of the Federal Rules of Criminal
15 Procedure, unless good cause is established by the moving
16 party or is otherwise found by the court, for closure.

17 “(g) AVAILABILITY OF RECORDS.—In making a de-
18 termination concerning the prosecution of a juvenile in a
19 district court of the United States, subject to the require-
20 ments of section 5038 of this chapter, the United States
21 Attorney shall have complete access to the prior Federal
22 juvenile records of the subject juvenile. In all cases in
23 which a juvenile is found guilty in an action pursuant to
24 this section, the district court responsible for imposing
25 sentence may consider the defendant’s entire prior juvenile

1 record. The United States Attorney may release such
 2 records to law enforcement authorities of any jurisdiction
 3 and to officials of any school, school district, or post-
 4 secondary school where the individual who is the subject
 5 of the juvenile record is enrolled or seeks, intends, or is
 6 instructed to enroll, if such school officials are held liable
 7 to the same standards and penalties to which law enforce-
 8 ment and juvenile justice system employees are held liable
 9 under Federal and State law, for the handling and disclo-
 10 sure of such information.”.

11 **SEC. 104. CAPITAL CASES.**

12 (a) AGE REQUIREMENT.—Section 3591 of title 18,
 13 United States Code, is amended by striking “18 years”
 14 each place that term appears and inserting “16 years”.

15 (b) AGGRAVATING FACTORS.—Section 3592(c) of
 16 title 18, United States Code, is amended by inserting im-
 17 mediately after paragraph (15) the following:

18 “(16) OTHER CIRCUMSTANCES.—With regard
 19 to the capital offense—

20 “(A) the victim was a custodial parent or
 21 legal guardian of a child under the age of 18
 22 years;

23 “(B) the offense was committed by a per-
 24 son imprisoned as a result of a felony convic-
 25 tion;

1 “(C) the offense was committed for the
2 purpose of disrupting or hindering the lawful
3 exercise of any government or political function;

4 “(D) the victim was found to have been
5 murdered due to his or her association with a
6 particular group, gang, organization, or other
7 entity;

8 “(E) the offense was committed by a per-
9 son unlawfully at liberty after being sentenced
10 to imprisonment as a result of a felony convic-
11 tion;

12 “(F) the offense was committed by means
13 of a destructive device, bomb, explosive, or simi-
14 lar device which the defendant planted, hid, or
15 concealed in any place, area, dwelling, building,
16 or structure, or mailed or delivered, or caused
17 to be planted, hidden, concealed, mailed, or de-
18 livered, and the defendant knew that his or her
19 act or acts would create a great risk of death
20 to human life;

21 “(G) the offense was committed for the
22 purpose of avoiding or preventing an arrest or
23 effecting an escape from custody;

24 “(H) the victim was a current or former
25 judge or judicial officer of any civilian, military,

1 or tribal court of record in the United States or
2 its territories, a law enforcement officer or offi-
3 cial, and the murder was intentionally carried
4 out in retaliation for, or to prevent the perform-
5 ance of, the victim's official duties;

6 “(I) the defendant has been convicted of
7 more than one offense of murder in the first or
8 second degree;

9 “(J) the victim was a witness—

10 “(i) to a crime who was intentionally
11 killed for the purpose of preventing his or
12 her testimony in any judicial or adminis-
13 trative proceeding, and the killing was not
14 committed during the commission or at-
15 tempted commission of the crime to which
16 he or she was a witness; or

17 “(ii) in a judicial or administrative
18 proceeding and was intentionally killed in
19 retaliation for his or her testimony in such
20 proceeding;

21 “(K) the victim was an elected or ap-
22 pointed official or former official of the Federal
23 Government, or of State, local, or tribal govern-
24 ment, and the killing was intentionally carried

1 out in retaliation for, or to prevent the perform-
2 ance of, the victim's official duties;

3 “(L) the defendant intentionally killed the
4 victim while lying in wait;

5 “(M) the victim was intentionally killed be-
6 cause of his or her race, color, gender, religion,
7 nationality, or country of origin;

8 “(N) the victim was a juror in any court
9 of record in the local, State, or Federal system
10 in any State or judicial district, and the murder
11 was intentionally carried out in retaliation for,
12 or to prevent the performance of, the victim's
13 official duties;

14 “(O) the murder was intentional and was
15 perpetrated by means of discharging a firearm
16 from a motor vehicle, whether or not it was
17 moving, intentionally at another person or per-
18 sons outside the vehicle;

19 “(P) the murder was committed against a
20 person who was held or otherwise detained as
21 a shield or hostage;

22 “(Q) the murder was committed against a
23 person who was held or detained by the defend-
24 ant for ransom or reward;

1 “(R) the defendant caused or directed an-
2 other to commit murder or committed murder
3 as an agent or employee of another person;

4 “(S) the victim was pregnant;

5 “(T) the victim was handicapped or se-
6 verely disabled;

7 “(U) the victim was 62 years of age or
8 older;

9 “(V) the victim was a child 16 years of age
10 or younger;

11 “(W) the murder was committed on the
12 property or grounds of a school or academic in-
13 stitution;

14 “(X) the victim was a teacher, lecturer, or
15 official at a school or academic institution and
16 was intentionally murdered by the defendant or
17 at the direction of the defendant as a result of
18 the victim’s occupation;

19 “(Y) at the time of the killing, the victim
20 was or had been a nongovernmental informant
21 or had otherwise provided any investigative, law
22 enforcement, or police agency with information
23 concerning criminal activity, and the killing was
24 in retaliation for the victim’s activities as a
25 nongovernmental informant or in providing in-

1 formation concerning criminal activity to an in-
2 vestigative, law enforcement, or police agency;

3 “(Z) the murder was committed for the
4 purpose of interfering with the victim’s free ex-
5 ercise or enjoyment of any right, privilege, or
6 immunity protected by the first amendment to
7 the Constitution of the United States or be-
8 cause the victim exercised or enjoyed said right;

9 “(AA) the defendant has previously been
10 convicted of a felony involving a firearm;

11 “(BB) the defendant previously was con-
12 victed of an offense for which a sentence of
13 death or life imprisonment was authorized;

14 “(CC) the defendant previously was con-
15 victed of 2 or more Federal or State offenses,
16 punishable by a term of imprisonment of more
17 than 1 year, committed on different occasions;

18 “(DD) the defendant previously was con-
19 victed of violating title II or III of the Con-
20 trolled Substances Act, for which a sentence of
21 5 or more years could be imposed;

22 “(EE) the murder was committed in the
23 presence of immediate family members of the
24 victim;

1 “(FF) evidence from the murder indicates
2 that it was carried out in furtherance of a sa-
3 distic, demonic, or other type of ritual;

4 “(GG) the murder was committed by the
5 defendant during the hijacking of an aircraft,
6 ship, or any other air, land, or seafaring vessel,
7 bus, train, or any other public or commercial
8 mode or means of transportation;

9 “(HH) the victim was a member of the
10 medical profession, to include ambulance drivers
11 or personnel, who at the time of the murder
12 were in the performance of their duties in such
13 capacity; and

14 “(II) the victim was employed in a jail,
15 correctional facility, or halfway house, and was
16 murdered while in the lawful performance of his
17 or her duties or in retaliation for the lawful per-
18 formance of his or her duties.”.

19 (c) DEATH DURING COMMISSION OF ANOTHER
20 CRIME.—Section 3592(c)(1) of title 18, United States
21 Code, is amended by striking “of, or during the immediate
22 flight from the commission of,” and inserting “of a felony,
23 or during the immediate flight from the commission of a
24 felony, including”.

1 **SEC. 105. DEFINITIONS.**

2 Section 5031 of title 18, United States Code, is
3 amended to read as follows:

4 **“§ 5031. Definitions**

5 “For purposes of this chapter—

6 “(1) the term ‘juvenile’ means a person who
7 has not attained his or her eighteenth birthday; and

8 “(2) the term ‘juvenile delinquency’ means the
9 violation of a law of the United States committed by
10 a person prior to his or her eighteenth birthday,
11 which would have been a crime if committed by an
12 adult.”.

13 **SEC. 106. NOTIFICATION AFTER ARREST.**

14 Section 5033 of title 18, United States Code, is
15 amended in the first sentence, by striking “Attorney Gen-
16 eral” and inserting “United States Attorney of the appro-
17 priate jurisdiction”.

18 **SEC. 107. DETENTION PRIOR TO DISPOSITION.**

19 Section 5035 of title 18, United States Code, is
20 amended—

21 (1) by inserting “(a) IN GENERAL.—” before
22 “A juvenile”; and

23 (2) by adding at the end the following:

24 “(b) DETENTION OF CERTAIN JUVENILES.—Not-
25 withstanding subsection (a), a juvenile who is to be tried
26 as an adult pursuant to section 5032 shall be subject to

1 detention in accordance with chapter 203 of this title in
 2 the same manner and to the same extent as an adult
 3 would be subject to the provisions of that chapter.”.

4 **SEC. 108. SPEEDY TRIAL.**

5 Section 5036 of title 18, United States Code, is
 6 amended—

7 (1) by inserting “(a) JUVENILE TRIALS.—” be-
 8 fore “If an alleged”;

9 (2) by striking “Attorney General” and insert-
 10 ing “United States Attorney for the appropriate ju-
 11 risdiction”;

12 (3) by striking “Except in” and all that follows
 13 through the period; and

14 (4) by adding at the end the following:

15 “(b) JUVENILES TRIED AS ADULTS.—Notwithstand-
 16 ing subsection (a), the provisions of chapter 208 of this
 17 title shall apply in any case in which a juvenile is tried
 18 as an adult pursuant to section 5032 in the same manner
 19 and to the same extent as an adult would be subject to
 20 the provisions of that chapter.”.

21 **SEC. 109. DISPOSITIONAL HEARINGS.**

22 Section 5037 of title 18, United States Code, is
 23 amended—

24 (1) in subsection (a), by striking the first sen-
 25 tence and inserting the following: “In any case in

1 which a juvenile is found to be a juvenile delinquent
 2 in district court pursuant to section 5032, but is not
 3 tried as an adult under that section, the court shall
 4 hold a disposition hearing concerning the appro-
 5 priate disposition not later than 20 days after the
 6 hearing in which a finding of juvenile delinquency is
 7 made, unless the court has ordered further study
 8 pursuant to subsection (d).”;

9 (2) in subsection (b), by striking “extend—”
 10 and all that follows through “The provisions” and
 11 inserting the following: “extend, in the case of a ju-
 12 venile, beyond the maximum term that would be au-
 13 thorized by section 3561(b), if the juvenile had been
 14 tried and convicted as an adult. The provisions.”;

15 (3) in subsection (c), by striking “extend—”
 16 and all that follows through “Section 3624” and in-
 17 serting the following: “extend beyond the maximum
 18 term of imprisonment that would be authorized if
 19 the juvenile had been tried and convicted as an
 20 adult. Section 3624”; and

21 (4) by redesignating subsection (d) as sub-
 22 section (e) and by inserting after subsection (c) the
 23 following new subsection:

24 “(d) If a juvenile has been tried and convicted as an
 25 adult, or adjudicated delinquent for any offense in which

1 he or she is otherwise tried pursuant to section 5032, the
 2 restitution provisions contained in this title and title 21,
 3 including sections 3663A, 2248, 2259, 2264, and 2327,
 4 shall apply to that juvenile in the same manner and to
 5 the same extent as those provisions would apply to an
 6 adult.”.

7 **SEC. 110. USE OF JUVENILE RECORDS.**

8 Section 5038 of title 18, United States Code, is
 9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (5), by striking “and” at
 12 the end;

13 (B) in paragraph (6), by striking the pe-
 14 riod at the end and inserting “; and”;

15 (C) by inserting after paragraph (6) the
 16 following new paragraph:

17 “(7) inquiries from an educational institution
 18 for the purpose of ensuring the public safety and se-
 19 curity at such institution.”; and

20 (D) by striking “Unless” and inserting the
 21 following:

22 “(c) Unless”;

23 (2) by redesignating subsections (b) and (c) as
 24 subsections (d) and (e), respectively;

1 (3) by inserting immediately after subsection
2 (a) the following new subsection:

3 “(b) Notwithstanding subsection (a), in determining
4 the appropriate disposition of a juvenile matter under sec-
5 tion 5032, the responsible United States Attorney shall
6 have complete access to the official records of the juvenile
7 proceedings conducted under this title.”;

8 (4) by inserting after subsection (e), as redesign-
9 nated, the following new subsection:

10 “(f) In any case in which a juvenile is tried as an
11 adult, access to the record of the offenses of the juvenile
12 shall be made available in the same manner as is applica-
13 ble to adult defendants.”;

14 (5) by striking “(d) Whenever” and all that fol-
15 lows through “adult defendants.” and inserting the
16 following:

17 “(g) Fingerprints and photographs of a juvenile—

18 “(1) who is prosecuted as an adult shall be
19 made available in the same manner as is applicable
20 to an adult defendant; and

21 “(2) who is not prosecuted as an adult shall be
22 made available only as provided in subsection (a).”;

23 (6) by striking “(e) Unless,” and inserting “(h)
24 Unless”;

1 (7) by striking “(f) Whenever” and inserting
 2 “(i) Whenever”; and

3 (8) in subsection (i), as redesignated—

4 (A) by striking “of committing an act”
 5 and all that follows through “5032 of this title”
 6 and inserting “by a district court of the United
 7 States pursuant to section 5032 of committing
 8 an act”; and

9 (B) by inserting “involved a juvenile tried
 10 as an adult or” before “were juvenile adjudica-
 11 tions”.

12 **SEC. 111. REPEALS.**

13 Title 18, United States Code, is amended—

14 (1) by striking sections 5001 and 5002; and

15 (2) by redesignating section 5003 as section
 16 5001.

17 **SEC. 112. ADMISSIBILITY OF CERTAIN EVIDENCE.**

18 (a) IN GENERAL.—Chapter 223 of title 18, United
 19 States Code, is amended by adding at the end the follow-
 20 ing new section:

21 **“§ 3510. Admissibility of evidence obtained by search**
 22 **or seizure**

23 “(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-
 24 SONABLE SEARCH OR SEIZURE.—Evidence which is ob-
 25 tained as a result of a search or seizure shall not be ex-

1 cluded in a proceeding in a court of the United States
 2 on the ground that the search or seizure was in violation
 3 of the fourth amendment to the Constitution of the United
 4 States, if the search or seizure was carried out in cir-
 5 cumstances justifying an objectively reasonable belief that
 6 it was in conformity with the fourth amendment. The fact
 7 that evidence was obtained pursuant to and within the
 8 scope of a warrant constitutes prima facie evidence of the
 9 existence of such circumstances.

10 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR
 11 RULE.—

12 “(1) GENERALLY.—Evidence shall not be ex-
 13 cluded in a proceeding in a court of the United
 14 States on the ground that it was obtained in viola-
 15 tion of a statute, an administrative rule or regula-
 16 tion, or a rule of procedure unless exclusion is ex-
 17 pressly authorized by statute or by a rule prescribed
 18 by the Supreme Court pursuant to statutory author-
 19 ity.

20 “(2) SPECIAL RULE RELATING TO OBJECTIVELY
 21 REASONABLE SEARCHES AND SEIZURES.—Evidence
 22 which is otherwise excludable under paragraph (1)
 23 shall not be excluded if the search or seizure was
 24 carried out in circumstances justifying an objectively
 25 reasonable belief that the search or seizure was in

1 conformity with the statute, administrative rule or
 2 regulation, or rule of procedure, the violation of
 3 which occasioned its being excludable.

4 “(c) RULE OF CONSTRUCTION.—This section shall
 5 not be construed to require or authorize the exclusion of
 6 evidence in any proceeding. Nothing in this section shall
 7 be construed so as to violate the fourth article of amend-
 8 ments to the Constitution of the United States.

9 “(d) LIBERAL CONSTRUCTION.—The provisions of
 10 this section shall be liberally construed to effectuate its
 11 remedial purposes.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of chapter 223 of title 18, United States
 14 Code, is amended by adding at the end the following:

“3510. Admissibility of evidence obtained by search or seizure.”.

15 **SEC. 113. INCREASED MANDATORY MINIMUM SENTENCES**
 16 **FOR CRIMINALS POSSESSING FIREARMS.**

17 Section 924(c)(1) of title 18, United States Code, is
 18 amended to read as follows:

19 “(c)(1)(A) Except to the extent that a greater mini-
 20 mum sentence is otherwise provided by any other provision
 21 of this subsection or any other law, a person who, during
 22 and in relation to any crime of violence or drug trafficking
 23 crime (including a crime of violence or drug trafficking
 24 crime which provides for an enhanced punishment if com-
 25 mitted by the use of a deadly or dangerous weapon or de-

1 vice) for which a person may be prosecuted in a court of
2 the United States, uses, carries, or possesses a firearm
3 shall, in addition to the punishment provided for such
4 crime of violence or drug trafficking crime—

5 “(i) be punished by imprisonment for not less
6 than 10 years;

7 “(ii) if the firearm is discharged, be punished
8 by imprisonment for not less than 20 years;

9 “(iii) if the firearm is a machinegun or a de-
10 structive device, or is equipped with a firearm si-
11 lencer or firearm muffler, be punished by imprison-
12 ment for not less than 30 years; and

13 “(iv) if the death of a person results, be pun-
14 ished by the death penalty or by imprisonment for
15 life.

16 “(B) In the case of a second or subsequent conviction
17 of a person under this subsection, such person shall be
18 sentenced to imprisonment for not less than 35 years, and
19 if, in such a case, the death of a person results, such per-
20 son shall be punished by the death penalty or by imprison-
21 ment for life.

22 “(C) Notwithstanding any other provision of law, the
23 court shall not place on probation or suspend the sentence
24 of any person convicted of a violation of this subsection,
25 nor shall the term of imprisonment imposed under this

1 subsection run concurrently with any other term of impris-
 2 onment including that imposed for the crime of violence
 3 or drug trafficking crime in which the firearm was pos-
 4 sessed.”.

5 **SEC. 114. INJUNCTIONS TO PROTECT SAFE PUBLIC ENJOY-**
 6 **MENT OF FEDERAL LANDS.**

7 Title 28, United States Code, is amended by inserting
 8 after section 519 the following new section:

9 **“§ 519A. Injunctions to protect safe public enjoyment**
 10 **of Federal lands**

11 “(a) ACTION BY ATTORNEY GENERAL.—The Attor-
 12 ney General may commence a civil action against any per-
 13 son who, without lawful authority or permission, engages
 14 in activity that is injurious to health, indecent, destructive,
 15 or threatening, such that the activity is likely to cause un-
 16 reasonable interference with the public enjoyment of na-
 17 tional parks, national forests, navigable waters, or public
 18 lands.

19 “(b) INJUNCTION.—

20 “(1) IN GENERAL.—Upon a finding that a per-
 21 son against whom the Attorney General has com-
 22 menced an action under subsection (a) has engaged
 23 in activity that is injurious to health, indecent, de-
 24 structive, or threatening, such that the activity is
 25 likely to cause unreasonable interference with the

1 public enjoyment of national parks, national forests,
2 navigable waters, or public lands, the district court
3 shall enter an injunction of a scope appropriate to
4 prohibit such activity by the defendant.

5 “(2) AUTHORITY TO PROHIBIT CERTAIN ACTIVITIES.—An injunction under paragraph (1) may,
6 upon an appropriate showing consistent with the equitable powers of the district court, include prohibition within the subject national park, national forest,
7 navigable water, or public land in question, of—

11 “(A) standing, sitting, walking, driving,
12 gathering, or appearing in public view, together
13 with any other persons as to whom the court
14 makes a finding as set forth in this paragraph;

15 “(B) drinking alcoholic beverages in public,
16 other than consumption on lawfully licensed
17 premises, or using illegal drugs;

18 “(C) possessing any weapons, including
19 knives, daggers, clubs, nunchakus, bb guns,
20 firearms, or other objects capable of inflicting
21 serious bodily injury;

22 “(D) using or possessing marker pens,
23 spray paint, paint cans, nails, razor blades,
24 screwdrivers, or other objects capable of defacing
25 public or private property;

1 “(E) blocking free ingress and egress to
2 public sidewalks, streets, or driveways;

3 “(F) in any manner confronting, intimidat-
4 ing, harassing, or assaulting other persons;

5 “(G) causing, encouraging, or participating
6 in the use, possession, or sale of narcotics;

7 “(H) using or possessing beepers or pagers
8 in any public place;

9 “(I) possessing channel lock pliers, picks,
10 wire cutters, dent pullers, or other devices capa-
11 ble of being used to break into locked vehicles;

12 “(J) signalling to or acting as a lookout
13 for other persons to warn of the approach of
14 police officers, or soliciting, encouraging, or em-
15 ploying others to do the same;

16 “(K) climbing any tree, wall, or fence, or
17 passing through any wall or fence by using tun-
18 nels or other holes in such structures; and

19 “(L) making, causing, or encouraging oth-
20 ers to make loud noises or any kind, including
21 yelling and loud music.

22 “(c) ENFORCEMENT.—The district court shall have
23 the power to enforce injunctions granted under this sec-
24 tion, including the exercise of contempt power and imposi-

1 tion of fines not to exceed \$10,000 for each violation of
 2 the court's order.”.

3 **SEC. 115. ARMED CAREER CRIMINAL ACT PREDICATES: SE-**
 4 **RIOUS JUVENILE DELINQUENCY DRUG TRAF-**
 5 **FICKING ADJUDICATIONS.**

6 Section 924(e)(2)(A) of title 18, United States Code,
 7 is amended—

8 (1) in clause (i), by striking “or” at the end;

9 (2) in clause (ii), by adding “or” at the end;

10 and

11 (3) by adding at the end the following new
 12 clause:

13 “(iii) any act of juvenile delinquency,
 14 under Federal or State law, that, if com-
 15 mitted by an adult, would be a serious
 16 drug offense described in this paragraph;”.

17 **SEC. 116. INCARCERATION OF VIOLENT OFFENDERS.**

18 Section 5039 of title 18, United States Code, is
 19 amended—

20 (1) by designating the first 3 undesignated
 21 paragraphs as subsections (a) through (c), respec-
 22 tively; and

23 (2) by adding at the end the following new sub-
 24 section:

1 “(d) The Bureau of Prisons is directed to ensure that
2 juveniles convicted of violent offenses are incarcerated
3 with other juveniles who also have committed violent of-
4 fenses.”.

5 **SEC. 117. SENTENCING GUIDELINES.**

6 Section 994 of title 28, United States Code, is
7 amended—

8 (1) in subsection (h), by inserting “, or in those
9 cases in which a juvenile is tried as an adult,” after
10 “old or older”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(z) The Commission shall promulgate guidelines, or
14 shall amend existing guidelines, to provide that a defend-
15 ant found guilty of committing an offense in which the
16 victim of the offense was under the age of 10 years old,
17 or in which the defendant is found guilty of having com-
18 mitted, attempted to commit, or conspired to commit sex-
19 ual assault or aggravated sexual assault in which the of-
20 fense in any manner involved the use of a controlled sub-
21 stance, shall receive an enhanced sentence.”.

1 **SEC. 118. MANDATORY MINIMUM PRISON SENTENCES FOR**
 2 **PERSONS WHO USE MINORS IN DRUG TRAF-**
 3 **FICKING ACTIVITIES OR SELL DRUGS TO MI-**
 4 **NORS.**

5 (a) EMPLOYMENT OF PERSON UNDER 18 YEARS OF
 6 AGE.—Section 420 of the Controlled Substances Act (21
 7 U.S.C. 861) is amended—

8 (1) in subsection (b), by striking the second
 9 sentence and by adding at the end the following:
 10 “Except to the extent that a greater minimum sen-
 11 tence is otherwise provided, a term of imprisonment
 12 of a person 21 or more years of age convicted of
 13 drug trafficking under this subsection shall be not
 14 less than 10 years, and a term of imprisonment of
 15 a person between the ages of 18 and 21 convicted
 16 of drug trafficking under this subsection shall be not
 17 less than 3 years. Notwithstanding any other provi-
 18 sion of law, the court shall not place on probation
 19 or suspend the sentence of any person sentenced
 20 under the preceding sentence.”; and

21 (2) in subsection (c)—

22 (A) by striking “one year” and inserting
 23 “6 years”;

24 (B) by inserting after the second sentence
 25 the following: “Except to the extent that a
 26 greater minimum sentence is otherwise pro-

vided, a term of imprisonment of a person 21
 or more years of age convicted of drug traffick-
 ing under this subsection shall be a mandatory
 term of life imprisonment. Notwithstanding any
 other provision of law, the court shall not place
 on probation or suspend the sentence of any
 person sentenced under the preceding sen-
 tence.”; and

(C) in the third sentence, by striking
 “Penalties” and inserting: “Except to the ex-
 tent that a greater minimum sentence is other-
 wise provided,”.

(b) MANDATORY MINIMUM PRISON SENTENCES FOR
 PERSONS CONVICTED OF DISTRIBUTION OF DRUGS TO
 MINORS.—

(1) IN GENERAL.—Section 418 of the Con-
 trolled Substances Act (21 U.S.C. 859) is amend-
 ed—

(A) in subsection (a)—

(i) by striking “eighteen” and insert-
 ing “21”;

(ii) by striking “twenty-one” and in-
 serting “18”;

1 (iii) by striking “not less than one
 2 year” and inserting “not less than 10
 3 years”; and

4 (iv) by striking the last sentence;

5 (B) in subsection (b)—

6 (i) by striking “eighteen” and insert-
 7 ing “21”;

8 (ii) by striking “twenty-one” and in-
 9 serting “18”;

10 (iii) by striking “not less than one
 11 year” and inserting “a mandatory term of
 12 life imprisonment”; and

13 (iv) by striking the last sentence;

14 (C) by adding at the end the following new
 15 subsection:

16 “(c) OFFENSES INVOLVING SMALL QUANTITIES OF
 17 MARIJUANA.—The mandatory minimum sentencing provi-
 18 sions of this section shall not apply to offenses involving
 19 five grams or less of marijuana.”; and

20 (D) in the section heading, by striking
 21 “TWENTY-ONE” and inserting “18”.

22 (2) TECHNICAL AMENDMENT.—The table of
 23 contents for the Comprehensive Drug Abuse Preven-
 24 tion and Control Act of 1970 is amended in the item

1 relating to section 418 by striking “twenty-one” and
 2 inserting “18”.

3 (c) PENALTIES FOR DRUG OFFENSES IN DRUG-
 4 FREE ZONES.—

5 (1) REPEAL.—Section 90102 of the Violent
 6 Crime Control and Law Enforcement Act of 1994
 7 (42 U.S.C. 14051) is repealed.

8 (2) INCREASED PENALTIES.—Section 419 of
 9 the Controlled Substances Act (21 U.S.C. 860) is
 10 amended—

11 (A) in subsection (a)—

12 (i) by striking “not less than one
 13 year” and inserting “not less than 5
 14 years”; and

15 (ii) by striking the last sentence;

16 (B) in subsection (b), by striking “not less
 17 than three years” and inserting “not less than
 18 10 years”;

19 (C) by redesignating subsections (c), (d),
 20 and (e) as subsections (d), (e), and (f), respec-
 21 tively; and

22 (D) by inserting after subsection (b) the
 23 following new subsection:

24 “(c) OFFENSES INVOLVING SMALL QUANTITIES OF
 25 MARIJUANA.—The mandatory minimum sentencing provi-

1 sions of this section shall not apply to offenses involving
 2 5 grams or less of marijuana.”.

3 **TITLE II—FEDERAL GANG** 4 **VIOLENCE ACT OF 1996**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Federal Gang Violence
 7 Act of 1996”.

8 **SEC. 202. INCREASE IN OFFENSE LEVEL FOR PARTICIPA-** 9 **TION IN CRIME AS A GANG MEMBER.**

10 (a) AMENDMENT OF SENTENCING GUIDELINES.—

11 (1) IN GENERAL.—Pursuant to its authority
 12 under section 994(p) of title 28, United States Code,
 13 the United States Sentencing Commission shall
 14 amend chapter 3 of the Federal Sentencing Guide-
 15 lines so that, except with respect to trafficking in co-
 16 caine base, if a defendant was a member of a crimi-
 17 nal street gang at the time of the offense, the of-
 18 fense level is increased by 6 levels

19 (2) CONSTRUCTION WITH OTHER GUIDE-
 20 LINES.—The amendment made pursuant to para-
 21 graph (1) shall provide that the increase in the of-
 22 fense level shall be in addition to any other adjust-
 23 ment under chapter 3 of the Federal Sentencing
 24 Guidelines.

1 (3) DEFINITION.—For purposes of this section,
 2 the term “criminal street gang” has the meaning
 3 given that term in section 521(a) of title 18, United
 4 States Code, as amended by section 203 of this title.

5 **SEC. 203. AMENDMENT OF TITLE 18 WITH RESPECT TO**
 6 **CRIMINAL STREET GANGS.**

7 Section 521 of title 18, United States Code, is
 8 amended—

9 (1) in subsection (a)—

10 (A) by striking “(a) DEFINITIONS.—” and
 11 inserting “(a) DEFINITIONS.—For purposes of
 12 this section the following definitions shall
 13 apply.”;

14 (B) by striking “‘conviction’” and insert-
 15 ing the following:

16 “(1) CONVICTION.—The term ‘conviction’”;

17 (C) in paragraph (1), as so designated, by
 18 striking “violent or controlled substances fel-
 19 ony” and inserting “predicate gang crime”; and

20 (D) by striking “‘criminal street gang’”
 21 and all that follows through the end of the sub-
 22 section and inserting the following:

23 “(2) CRIMINAL STREET GANG.—The term
 24 ‘criminal street gang’ means an ongoing group, club,

1 organization, or association of 3 or more persons,
 2 whether formal or informal—

3 “(A) a primary activity of which is the
 4 commission of 1 or more predicate gang crimes;

5 “(B) the members of which engage, or
 6 have engaged during the 5-year period preced-
 7 ing the date in question, in a pattern of crimi-
 8 nal activity involving 1 or more predicate gang
 9 crimes; and

10 “(C) the activities of which affect inter-
 11 state or foreign commerce.

12 “(3) PATTERN OF CRIMINAL ACTIVITY.—The
 13 term ‘pattern of criminal activity’ means the com-
 14 mission of 2 or more predicate gang crimes—

15 “(A) at least 1 of which was committed
 16 after the date of enactment of the Federal
 17 Gang Violence Act of 1996;

18 “(B) the last of which was committed not
 19 later than 3 years after the commission of an-
 20 other predicate gang crime; and

21 “(C) which were committed on occasions
 22 different from one another.

23 “(4) PREDICATE GANG CRIME.—The term
 24 ‘predicate gang crime’ means—

25 “(A) an offense described in subsection (c);

1 “(B) a State offense—

2 “(i) involving a controlled substance
3 (as defined in section 102 of the Controlled
4 Substances Act (21 U.S.C. 802)) for which
5 the maximum penalty is imprisonment for
6 not less than 5 years; or

7 “(ii) that is a felony crime of violence
8 that has as an element the use or at-
9 tempted use of physical force against the
10 person of another;

11 “(C) any Federal or State felony offense
12 that by its nature involves a substantial risk
13 that physical force against the person of an-
14 other may be used in the course of committing
15 the offense, including—

16 “(i) assault with a deadly weapon;

17 “(ii) homicide or manslaughter;

18 “(iii) shooting at an occupied dwelling
19 or motor vehicle;

20 “(iv) kidnapping;

21 “(v) carjacking;

22 “(vi) robbery;

23 “(vii) drive-by-shooting;

1 “(viii) tampering with or retaliating
 2 against a witness, victim, informant, or
 3 juror;

4 “(ix) rape;

5 “(x) mayhem;

6 “(xi) torture; and

7 “(xii) arson;

8 “(D) any Federal or State offense that
 9 is—

10 “(i) grand theft;

11 “(ii) burglary;

12 “(iii) looting;

13 “(iv) felony extortion;

14 “(v) possessing a concealed weapon;

15 “(vi) grand theft auto;

16 “(vii) money laundering;

17 “(viii) felony vandalism;

18 “(ix) unlawful sale of a firearm; or

19 “(x) obstruction of justice; and

20 “(E) a conspiracy, attempt, or solicitation
 21 to commit any offense described in subpara-
 22 graphs (A) through (D).”; and
 23 (2) in subsection (d)—

24 (A) in paragraph (1), by striking “contin-
 25 ing series of offenses described in subsection

1 (c)” and inserting “pattern of criminal activ-
 2 ity”; and

3 (B) in paragraph (3), by striking “years
 4 for—” and all that follows through the end of
 5 the paragraph and inserting “years for a predi-
 6 cate gang crime.”.

7 **SEC. 204. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
 8 **PORTATION IN AID OF CRIMINAL STREET**
 9 **GANGS.**

10 (a) TRAVEL ACT AMENDMENTS.—

11 (1) PROHIBITED CONDUCT AND PENALTIES.—

12 Section 1952(a) of title 18, United States Code, is
 13 amended to read as follows:

14 “(a) Whoever—

15 “(1) travels in interstate or foreign commerce
 16 or uses the mail or any facility in interstate or for-
 17 eign commerce, with intent to—

18 “(A) distribute the proceeds of any unlaw-
 19 ful activity;

20 “(B) commit any crime of violence to fur-
 21 ther any unlawful activity; or

22 “(C) otherwise promote, manage, establish,
 23 carry on, or facilitate the promotion, manage-
 24 ment, establishment, or carrying on, of any un-
 25 lawful activity; and

1 “(2) thereafter performs, attempts to perform,
2 or conspires to perform—

3 “(A) an act described in subparagraph (A)
4 or (C) of paragraph (1) shall be fined under
5 this title, imprisoned not more than 10 years,
6 or both; or

7 “(B) an act described in subparagraph (B)
8 of paragraph (1) shall be fined under this title,
9 imprisoned for not more than 20 years, or both,
10 and if death results from such Act, shall be sen-
11 tenced to death or be imprisoned for any term
12 of years or for life.”.

13 (2) UNLAWFUL ACTIVITIES.—Section 1952(b)
14 of title 18, United States Code, is amended to read
15 as follows:

16 “(b) As used in this section—

17 “(1) the term ‘unlawful activity’ means—

18 “(A) activity of a criminal street gang as
19 defined in section 521 of this title;

20 “(B) any business enterprise involving
21 gambling, liquor on which the Federal excise
22 tax has not been paid, narcotics or controlled
23 substances (as defined in section 102(6) of the
24 Controlled Substances Act (21 U.S.C. 802(6)),
25 or prostitution offenses in violation of the laws

1 of the State in which the offense in committed
 2 or of the United States;

3 “(C) extortion; bribery; arson; robbery;
 4 burglary; assault with a deadly weapon; retalia-
 5 tion against or intimidation of witnesses, vic-
 6 tims, jurors, or informants; assault resulting in
 7 bodily injury; possession or trafficking of stolen
 8 property; trafficking in firearms; kidnapping;
 9 alien smuggling; shooting at an occupied dwell-
 10 ing or motor vehicle; or insurance fraud; in vio-
 11 lation of the laws of the State in which the of-
 12 fense is committed or of the United States; or

13 “(D) any act that is indictable under sub-
 14 chapter II of chapter 53 of title 31, United
 15 States Code, or under section 1956 or 1957 of
 16 this title; and

17 “(2) the term ‘State’ includes a State of the
 18 United States, the District of Columbia, and any
 19 commonwealth, territory, or possession of the United
 20 States.”.

21 (b) SENTENCING GUIDELINES.—Pursuant to its au-
 22 thority under section 994(p) of title 28, United States
 23 Code, the United States Sentencing Commission shall
 24 amend chapter 2 of the Federal Sentencing Guidelines so
 25 that—

1 (1) the base offense level for traveling in inter-
 2 state or foreign commerce in aid of a street gang or
 3 other racketeering enterprise is increased to 12; and

4 (2) the base offense level for the commission of
 5 a violent crime in aid of a street gang or other rack-
 6 eteering enterprise is increased to 24.

7 **SEC. 205. SOLICITATION OR RECRUITMENT OF PERSONS IN**
 8 **CRIMINAL GANG ACTIVITY.**

9 (a) PROHIBITED ACTS.—Chapter 26 of title 18,
 10 United States Code, is amended by adding at the end the
 11 following new section:

12 **“§ 522. Recruitment of persons to participate in**
 13 **criminal gang activity**

14 “(a) PROHIBITED ACT.—It shall be unlawful for any
 15 person to—

16 “(1) use any facility of, or travel in, interstate
 17 or foreign commerce, or cause another to do so, to
 18 solicit, request, induce, counsel, command, cause, or
 19 facilitate the participation of, a person to participate
 20 in a criminal street gang, or otherwise cause another
 21 to do so, or conspire to do so; or

22 “(2) solicit, request, induce, counsel, command,
 23 cause, or facilitate the participation of a person to
 24 engage in crime for which such person may be pros-

1 ecuted in a court of the United States, or otherwise
 2 cause another to do do, or conspire to do so.

3 “(b) PENALTIES.—A person who violates subsection
 4 (a) shall—

5 “(1)(A) if the person is a minor, be imprisoned
 6 for not less than 4 years and not more than 10
 7 years, fined not more than \$250,000, or both; or

8 “(B) if the person is not a minor, be impris-
 9 oned for not less than 1 year and not more than 10
 10 years, fined not more than \$250,000, or both; and

11 “(2) be liable for any costs incurred by the
 12 Federal Government or by any State or local govern-
 13 ment for housing, maintaining, and treating the
 14 minor until the minor reaches the age of 18.

15 “(c) DEFINITIONS.—For purposes of this section—

16 “(1) the term ‘criminal street gang’ has the
 17 same meaning given such term in section 521; and

18 “(2) the term ‘minor’ means a person who is
 19 younger than 18 years of age.”.

20 (b) SENTENCING GUIDELINES.—Pursuant to its au-
 21 thority under section 994(p) of title 28, United States
 22 Code, the United States Sentencing Commission shall
 23 amend chapter 2 of the Federal Sentencing Guidelines so
 24 that the base offense level for recruitment of a minor to
 25 participate in a gang activity is 12.

1 (c) TECHNICAL AMENDMENT.—The analysis for
 2 chapter 26 of title 18, United States Code, is amended
 3 by adding at the end the following new item:

“522. Recruitment of persons to participate in criminal gang activity.”.

4 **SEC. 206. CRIMES INVOLVING THE USE OF MINORS AS RICO**
 5 **PREDICATES.**

6 Section 1961(1) of title 18, United States Code, is
 7 amended—

8 (1) by striking “or” before “(E)”; and

9 (2) by inserting before the semicolon at the end
 10 of the paragraph the following: “, or (F) any offense
 11 against the United States that is punishable by im-
 12 prisonment for more than 1 year and that involved
 13 the use of a person under the age of 18 years in the
 14 commission of the offense”.

15 **SEC. 207. TRANSFER OF FIREARMS TO MINORS FOR USE IN**
 16 **CRIME.**

17 Section 924(h) of title 18, United States Code, is
 18 amended by striking “10 years, fined in accordance with
 19 this title, or both” and inserting “10 years, and if the
 20 transferee is a person who is under 18 years of age, not
 21 less than 3 years; fined under this title; or both”.

22 **SEC. 208. PENALTIES.**

23 Section 924(a) of title 18, United States Code, is
 24 amended—

1 (1) by redesignating paragraph (5), as added by
 2 section 110201(b)(2) of the Violent Crime Control
 3 and Law Enforcement Act of 1994, as paragraph
 4 (6); and

5 (2) in paragraph (6), as so redesignated—

6 (A) by striking subparagraph (A);

7 (B) in subparagraph (B)—

8 (i) by striking “(B) A person other
 9 than a juvenile who knowingly” and insert-
 10 ing “(A) A person who knowingly”;

11 (ii) in clause (i), by striking “1 year”
 12 and inserting “not less than 1 year and
 13 not more than 5 years”; and

14 (iii) in clause (ii), by inserting “not
 15 less than 1 year and” after “imprisoned”;
 16 and

17 (C) by adding at the end the following new
 18 subparagraph:

19 “(B) Notwithstanding subparagraph (A), no
 20 mandatory minimum sentence shall apply to a juve-
 21 nile who is less than 13 years of age.”.

22 **SEC. 209. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
 23 **CAREER CRIMINAL ACT PREDICATES.**

24 Section 924(e)(2)(A) of title 18, United States Code,
 25 is amended—

- 1 (1) by striking “or” at the end of clause (i);
- 2 (2) by adding “or” at the end of clause (ii); and
- 3 (3) by adding at the end the following new
- 4 clause:
- 5 “(iii) any act of juvenile delinquency
- 6 that if committed by an adult would be an
- 7 offense described in clause (i) or (ii);”.

8 **SEC. 210. INCREASE IN TIME LIMITS FOR JUVENILE PRO-**
 9 **CEEDINGS.**

10 Section 5036 of title 18, United States Code, is
 11 amended by striking “thirty” and inserting “70”.

12 **SEC. 211. APPLYING RACKETEERING OFFENSES TO ALIEN**
 13 **SMUGGLING AND FIREARMS OFFENSES.**

14 Section 1961(1) of title 18, United States Code, as
 15 amended by section 206 of this title, is amended by insert-
 16 ing before the semicolon at the end the following. “, (G)
 17 any act, or conspiracy to commit any act, in violation of
 18 section 274(a)(1)(A), 277, or 278 of the Immigration and
 19 Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or
 20 1328)”.

21 **SEC. 212. ADDITIONAL PROSECUTORS.**

22 There are authorized to be appropriated \$20,000,000
 23 for each of fiscal years 1997, 1998, 1999, 2000, and 2001
 24 for the hiring of additional Assistant United States Attor-
 25 neys to prosecute violent youth gangs.

1 **TITLE III—FEDERAL YOUTH VIO-**
2 **LENCE CONTROL ACT OF 1996**

3 **SEC. 301 SHORT TITLE.**

4 This title may be cited as the “Federal Youth Vio-
5 lence Control Act of 1996”.

6 **SEC. 302. AMENDMENTS TO THE JUVENILE JUSTICE AND**
7 **DELINQUENCY PREVENTION ACT OF 1974.**

8 (a) FINDINGS AND DECLARATION OF PURPOSE.—
9 Title I of the Juvenile Justice and Delinquency Prevention
10 Act of 1974 (42 U.S.C. 5601 et seq.). is amended to read
11 as follows:

12 **“TITLE I—FINDINGS AND**
13 **DECLARATION OF PURPOSE**

14 **“SEC. 101. FINDINGS.**

15 “The Congress finds that—

16 “(1) recent trends show an upsurge in arrests
17 of adolescents for murder, assault, and weapon use;

18 “(2) homicide rates for persons between 14 and
19 17 years of age have increased 172 percent over the
20 last 10 years;

21 “(3) the youth who commit the most serious
22 and violent offenses are becoming more violent;

23 “(4) the homicide rate for persons between 14
24 and 17 years of age is 4 times the rate for adults;

1 “(5) understaffed, overcrowded juvenile courts,
2 prosecutorial and public defender offices, probation
3 services, and correctional facilities and inadequately
4 trained staff in such courts, services, and facilities
5 are not able to provide individualized justice or ef-
6 fective help;

7 “(6) current juvenile courts, foster and protec-
8 tive care programs, and shelter facilities are inad-
9 equate to meet—

10 “(A) the needs of children, who, because of
11 this failure to provide effective services, may be-
12 come delinquents; and

13 “(B) the needs of society, because insuffi-
14 cient sanctions are imposed on serious youth of-
15 fenders;

16 “(7) existing programs have not adequately re-
17 sponded to the particular problems of the increasing
18 numbers of young people who are addicted to or who
19 abuse alcohol and other drugs;

20 “(8) demographic increases projected in the
21 number of youth offenders require reexamination of
22 the prosecution and incarceration of serious violent
23 youth offenders;

24 “(9) State and local communities that experi-
25 ence directly the devastating failures of the juvenile

1 justice system do not presently have sufficient tech-
2 nical expertise or adequate resources to deal com-
3 prehensively with the problems of juvenile delin-
4 quency;

5 “(10) existing Federal programs have not pro-
6 vided the direction, coordination, resources, and
7 leadership required to meet the crisis of delinquency;

8 “(11) despite more than 20 years of experience
9 in prosecuting juvenile offenders, rates of youth vio-
10 lence have increased dramatically, requiring a
11 change in the approach of Federal efforts to address
12 the problem;

13 “(12) the high incidence of delinquency in the
14 United States today results in enormous annual eco-
15 nomic losses and immeasurable loss of human life,
16 personal security, and wasted human resources; and

17 “(13) juvenile delinquency constitutes a grow-
18 ing threat to the national welfare that requires im-
19 mediate and comprehensive action by the Federal
20 Government.

21 **“SEC. 102. PURPOSE AND STATEMENT OF POLICY.**

22 “(a) IN GENERAL.—The purposes of this Act are—

23 “(1) to hold juveniles accountable for their acts;

1 “(2) to provide for the thorough and ongoing
2 evaluation of all Federal juvenile justice and delin-
3 quency prevention programs;

4 “(3) to provide technical assistance to public
5 and private nonprofit juvenile justice and delin-
6 quency prevention programs;

7 “(4) to establish training programs for persons,
8 including professionals, paraprofessionals, and volun-
9 teers, who work with delinquents or potential
10 delinquents or whose work or activities relate to ju-
11 venile delinquency programs;

12 “(5) to establish a centralized research effort on
13 the problems of juvenile delinquency, including the
14 dissemination of the findings of such research and
15 all data related to juvenile delinquency;

16 “(6) to develop and encourage the implementa-
17 tion of national standards for the administration of
18 juvenile justice, including recommendations for ad-
19 ministrative, budgetary, and legislative action at the
20 Federal, State, and local level to facilitate the adop-
21 tion of such standards;

22 “(7) to assist State and local communities with
23 resources to develop and implement programs to
24 keep students in elementary and secondary schools

1 and to prevent unwarranted and arbitrary suspen-
2 sions and expulsions;

3 “(8) to establish a Federal assistance program
4 to deal with the problems of runaway and homeless
5 youth;

6 “(9) to strengthen families in which juvenile de-
7 linquency has been a problem, and to remove youth
8 from families that cannot provide them with the
9 moral guidance and discipline necessary to avoid be-
10 coming violent offenders;

11 “(10) to assist State and local governments in
12 improving the administration of justice and services
13 for juveniles who enter the system; and

14 “(11) to reduce the level of youth violence in
15 each of the States.

16 “(b) STATEMENT OF POLICY.—It is the policy of the
17 Congress to provide the necessary resources, leadership,
18 and coordination—

19 “(1) to improve the quality of juvenile justice in
20 the United States; and

21 “(2) to provide resources to the States to com-
22 bat youth violence and effectively prosecute and pun-
23 ish violent youth offenders.

24 **“SEC. 103. DEFINITIONS.**

25 “For purposes of this Act—

1 “(1) the term ‘Federal juvenile delinquency pro-
2 gram’ means any juvenile delinquency program that
3 is conducted, directly, or indirectly, or is assisted by
4 any Federal department or agency, including any
5 program funded under this Act;

6 “(2) the term ‘juvenile delinquency program’
7 means any program or activity related to the im-
8 provement of the juvenile justice system;

9 “(3) the term—

10 “(A) ‘Bureau of Justice Assistance’ means
11 the bureau established by section 401 of title I
12 of the Omnibus Crime Control and Safe Streets
13 Act of 1968;

14 “(B) ‘Office of Justice Programs’ means
15 the office established by section 101 of the Om-
16 nibus Crime Control and Safe Streets Act of
17 1968;

18 “(C) ‘National Institute of Justice’ means
19 the institute established by section 202(a) of
20 the Omnibus Crime Control and Safe Streets
21 Act of 1968; and

22 “(D) ‘Bureau of Justice Statistics’ means
23 the bureau established by section 302(a) of the
24 Omnibus Crime Control and Safe Streets Act of
25 1968;

1 “(4) the term ‘Administrator’ means the Ad-
2 ministrators of the Bureau of Justice Assistance;

3 “(5) the term ‘law enforcement and criminal
4 justice’ means any activity pertaining to crime pre-
5 vention, control, or reduction or the enforcement of
6 the criminal law, including—

7 “(A) police efforts to prevent, control, or
8 reduce crime or to apprehend criminals;

9 “(B) activities of courts having criminal
10 jurisdiction and related agencies (including
11 prosecutorial and defender services); and

12 “(C) activities of corrections, probation, or
13 parole authorities;

14 “(6) the term ‘State’ means any State of the
15 United States, the District of Columbia, the Com-
16 monwealth of Puerto Rico, the Trust Territory of
17 the Pacific Islands, the Virgin Islands, Guam, Amer-
18 ican Samoa and the Commonwealth of the Northern
19 Mariana Islands;

20 “(7) the term ‘unit of general local government’
21 means any—

22 “(A) city, county, township, town, borough,
23 parish, village, or other general purpose politi-
24 cal subdivision of a State;

1 “(B) Indian tribe that performs law en-
2 forcement functions, as determined by the Sec-
3 retary of the Interior; or

4 “(C) for the purpose of assistance eligi-
5 bility, any agency of the District of Columbia
6 government performing law enforcement func-
7 tions in and for the District of Columbia, and
8 funds appropriated by the Congress for the ac-
9 tivities of such agency may be used to provide
10 the non-Federal share of the cost of programs
11 or projects funded under this title;

12 “(8) the term ‘construction’ means acquisition,
13 expansion, remodeling, and alteration of existing
14 buildings, and initial equipment of any such build-
15 ings, or any combination of such activities (including
16 architects’ fees but not the cost of acquisition of
17 land for buildings);

18 “(9) the term ‘secure detention facility’ means
19 any public or private residential facility that—

20 “(A) includes construction fixtures de-
21 signed to physically restrict the movements and
22 activities of juveniles or other individuals held
23 in lawful custody in such facility; and

24 “(B) is used for the temporary placement
25 of any juvenile who is accused of having com-

1 mitted an offense, of any nonoffender, or of any
2 other individual accused of having committed a
3 criminal offense;

4 “(10) the term ‘secure correctional facility’
5 means any public or private residential facility
6 that—

7 “(A) includes construction fixtures de-
8 signed to physically restrict the movements and
9 activities of juveniles or other individuals held
10 in lawful custody in such facility; and

11 “(B) is used for the placement, after adju-
12 dication and disposition, of any juvenile who
13 has been adjudicated as having committed an
14 offense, any nonoffender, or any other individ-
15 ual convicted of a criminal offense;

16 “(11) the term ‘serious crime’ means—

17 “(A) criminal homicide;

18 “(B) forcible rape or other sex offenses
19 punishable as a felony;

20 “(C) mayhem, kidnapping, aggravated as-
21 sault, robbery, larceny or theft punishable as a
22 felony;

23 “(D) motor vehicle theft;

24 “(E) burglary or breaking and entering;

1 “(F) extortion accompanied by threats of
2 violence; and

3 “(G) arson punishable as a felony;

4 “(12) the term ‘treatment’ includes medical and
5 other rehabilitative services designed to protect the
6 public, including any services designed to benefit ad-
7 dicts and other users by—

8 “(A) eliminating their dependence on alco-
9 hol or other addictive or nonaddictive drugs; or

10 “(B) controlling their dependence and sus-
11 ceptibility to addiction or use;

12 “(13) the term ‘Indian tribe’ means—

13 “(A) a federally recognized Indian tribe; or

14 “(B) an Alaska Native organization;

15 “(14) the term ‘home-based alternative services’
16 means services provided to a juvenile in the home of
17 the juvenile as an alternative to incarcerating the ju-
18 venile, and includes home detention; and

19 “(15) the term ‘jail or lockup for adults’ means
20 a locked facility that is used by a State, unit of local
21 government, or any law enforcement authority to de-
22 tain or confine adults—

23 “(A) pending the filing of a charge of vio-
24 lating a criminal law;

1 “(B) awaiting trial on a criminal charge;
 2 or
 3 “(C) convicted of violating a criminal
 4 law.”.

5 (b) YOUTH CRIME CONTROL BLOCK GRANTS.—Title
 6 II of the Juvenile Justice and Delinquency Prevention Act
 7 of 1974 (42 U.S.C. 5611 et seq.) is amended to read as
 8 follows:

9 **“TITLE II—YOUTH CRIME**
 10 **CONTROL BLOCK GRANTS**

11 **“SEC. 201. YOUTH CRIME CONTROL BLOCK GRANTS.**

12 “(a) IN GENERAL.—The Administrator may make
 13 grants to eligible States and units of general local govern-
 14 ment or combinations thereof to assist them in planning,
 15 establishing, operating, coordinating, and evaluating
 16 projects directly or through grants and contracts with
 17 public and private agencies for the development of more
 18 effective prosecutions, trials, graduated sanctions, and
 19 programs to improve the juvenile justice system.

20 “(b) USE OF GRANTS.—Grants under this section
 21 shall be used (1) to strengthen prosecution and punish-
 22 ment of youth offenders, such as imposition of graduated
 23 sanctions, hiring of prosecutors and judges, incarceration
 24 of violent offenders for extended periods of time (including
 25 up to the length of adult sentences, if necessary); (2) for

1 prevention, treatment, and transitional programs that in-
2 clude evaluation components that measure the decrease in
3 risk factors associated with the juvenile participants; or
4 (3) to conduct research on the problems of juvenile delin-
5 quency.

6 “(c) REQUIREMENTS.—To be eligible to receive a
7 grant under this section, a State or unit of general local
8 government—

9 “(1) shall make reasonable efforts, as certified
10 by the governor, to ensure that not later than Janu-
11 ary 1, 2002—

12 “(A) proceedings involving juveniles tried
13 as adults will be open to the public;

14 “(B) criminal records of juveniles tried as
15 adults will be available to the public on the
16 same terms as criminal records of adults;

17 “(C) juvenile criminal records will be avail-
18 able to schools and to law enforcement agencies;
19 and

20 “(D) fingerprint records will be kept for all
21 juvenile offenders;

22 “(2) shall not detain or confine juveniles alleged
23 to be or determined to be delinquent, or alleged to
24 be or determined to be guilty of an offense, in any
25 institution in which the juvenile has regular physical

1 or personal contact with adult persons who are in-
2 carcerated because they have been convicted of a
3 crime or are awaiting trial on criminal charges; and

4 “(3) shall ensure that religious organizations
5 are eligible, on the same basis as any other private
6 organization, to participate in, and to accept funds,
7 certificates, vouchers, or other forms of disburse-
8 ment for such participation in, any rehabilitative, as-
9 sistance, or support program of any type for juve-
10 niles, if such programs are implemented consistently
11 with the Constitution of the United States, and that
12 such organizations are not subject to discrimination
13 on the ground that they have a religious charter.

14 “(d) ALLOCATION.—

15 “(1) IN GENERAL.—Subject to paragraph (2)
16 and in accordance with regulations promulgated
17 under this title, funds shall be allocated annually
18 among the States on the basis of relative population
19 of people under 18 years of age.

20 “(2) EXCEPTIONS.—The amount allocated to
21 the Virgin Islands of the United States, Guam,
22 American Samoa, the Trust Territory of the Pacific
23 Islands, and the Commonwealth of the Northern
24 Mariana Islands shall be not less than \$75,000 and
25 not more than \$100,000.

1 **“SEC. 202. NATIONAL PROGRAM.**

2 “(a) IN GENERAL.—The Bureau of Justice Assist-
3 ance shall—

4 “(1) provide appropriate training to representa-
5 tives of public and private agencies and organiza-
6 tions with specific experience in the prevention,
7 treatment, and control of juvenile delinquency; and

8 “(2) collect, prepare, and disseminate useful
9 data regarding the prevention, treatment, and con-
10 trol of juvenile delinquency.

11 “(b) ADDITIONAL POWERS.—In addition to the other
12 powers, express and implied, the Bureau of Justice Assist-
13 ance may—

14 “(1) request any Federal agency to supply such
15 statistics, data, program reports, and other material
16 as the National Institute for Juvenile Justice deems
17 necessary to carry out its functions;

18 “(2) arrange with and reimburse the heads of
19 Federal agencies for the use of personnel or facilities
20 or equipment of such agencies;

21 “(3) confer with and avail itself of the coopera-
22 tion, services, records, and facilities of State, municipi-
23 pal, or other public or private local agencies; and

24 “(4) make grants and enter into contracts with
25 public or private agencies, organizations, or individ-

1 uals for the partial performance of any functions of
 2 the Institute.

3 “(c) COOPERATION WITH FEDERAL AGENCIES.—

4 Any Federal agency that receives a request from the Insti-
 5 tute under subsection (b)(1) may cooperate with the Bu-
 6 reau of Justice Assistance and shall, to the maximum ex-
 7 tent practicable, consult with and furnish information and
 8 advice to the Bureau of Justice Assistance.

9 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) IN GENERAL.—Subject to subsection (b), there
 11 are authorized to be appropriated to carry out this title—

12 “(1) \$150,000,000 for fiscal year 1997; and

13 “(2) such sums as may be necessary for fiscal
 14 years 1998, 1999, 2000, and 2001.

15 “(b) RESTRICTION.—No amount is authorized to be
 16 appropriated for a fiscal year to carry out this title unless
 17 the aggregate amount appropriated to carry out this title
 18 for that fiscal year is not less than the aggregate amount
 19 appropriated to carry out this title for the preceding fiscal
 20 year.

21 “(c) SPECIAL GRANTS.—Of amounts made available
 22 to carry out this title in any fiscal year, the Administrator
 23 shall use—

1 “(1) 70 percent to make grants for the
2 strengthening of prosecution and punishment of
3 youthful offenders;

4 “(2) 15 percent to make grants for prevention,
5 treatment, and transitional services;

6 “(3) 10 percent for grants for research; and

7 “(4) 5 percent for salaries and expenses of the
8 Bureau of Justice Assistance related to administer-
9 ing this title.”.

10 (c) RUNAWAY AND HOMELESS YOUTH.—Section 385
11 of the Juvenile Justice and Delinquency Prevention Act
12 of 1974 (42 U.S.C. 5751) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “1993
15 and such sums as may be necessary for fiscal
16 years 1994, 1995, and 1996” and inserting
17 “1997 and such sums as may be necessary for
18 fiscal years 1998, 1999, 2000, and 2001”; and

19 (B) by striking paragraph (3) and redesign-
20 nating paragraphs (4) and (5) as paragraphs
21 (3) and (4), respectively;

22 (2) in subsection (b), by striking “1993 and
23 such sums as may be necessary for fiscal years
24 1994, 1995, and 1996” and inserting “1997 and

1 such sums as may be necessary for fiscal years
2 1998, 1999, 2000, and 2001”; and

3 (3) in subsection (c), by striking “1993, 1994,
4 1995, and 1996” and inserting “1997, 1998, 1999,
5 2000, and 2001”.

6 (d) MISSING CHILDREN.—Title IV of the Juvenile
7 Justice and Delinquency Prevention Act of 1974 (42
8 U.S.C. 5771 et seq.) is amended—

9 (1) in section 403, by striking paragraph (2)
10 and inserting the following:

11 “(2) the term ‘Administrator’ means the Ad-
12 ministrator of the Bureau of Juvenile Justice.”;

13 (2) in section 408, by striking “1993, 1994,
14 1995, and 1996” and inserting “1997, 1998, 1999,
15 2000, and 2001”; and

16 (3) by striking section 404.

17 (e) REPEAL.—Title V of the Juvenile Justice and De-
18 linquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.)
19 is repealed.

20 **SEC. 303. TRANSFER OF FUNCTIONS AND SAVINGS PROVI-**
21 **SIONS.**

22 (a) DEFINITIONS.—For purposes of this section, un-
23 less otherwise provided or indicated by the context—

1 (1) the term “Administrator of the Office”
2 means the Administrator of the Office of Juvenile
3 Justice and Delinquency Prevention;

4 (2) the term “Bureau of Justice Assistance”
5 means the bureau established under section 401 of
6 title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968;

8 (3) the term “Director” means the Director of
9 the Office of Juvenile Accountability established
10 under section (b);

11 (4) the term “Federal agency” has the meaning
12 given the term “agency” by section 551(1) of title
13 5, United States Code;

14 (5) the term “function” means any duty, obli-
15 gation, power, authority, responsibility, right, privi-
16 lege, activity, or program;

17 (6) the term “Office of Juvenile Accountability”
18 means the office established by subsection (b) of this
19 section;

20 (7) the term “Office of Juvenile Justice and
21 Delinquency Prevention” means the Office of Juve-
22 nile Justice and Delinquency Prevention within the
23 Department of Justice, established by section 201 of
24 the Juvenile Justice and Delinquency Prevention Act

1 of 1974, as in effect on the day before the date of
2 enactment of this Act; and

3 (8) the term “office” includes any office, ad-
4 ministration, agency, institute, unit, organizational
5 entity, or component thereof.

6 (b) ESTABLISHMENT OF OFFICE.—There is estab-
7 lished within the Bureau of Justice Assistance of the De-
8 partment of Justice, the Office of Juvenile Accountability,
9 which shall be administrated by a Director who is ap-
10 pointed by the Attorney General.

11 (c) TRANSFER OF FUNCTIONS.—There are trans-
12 ferred to the Office of Juvenile Accountability established
13 under subsection (b), all function that the Administrator
14 of the Office exercised before the date of enactment of this
15 Act (including all related functions of any officer or em-
16 ployee of the Office of Juvenile Justice and Delinquency
17 Prevention) relating to carryinng out the Juvenile Justice
18 and Delinquency Prevention Act of 1974.

19 (d) DETERMINATIONS OF CERTAIN FUNCTIONS BY
20 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-
21 essary, the Office of Management and Budget shall make
22 any determination of the functions that are transferred
23 under subsection (b)(11).

24 (e) PERSONNEL PROVISIONS.—

1 (1) APPOINTMENTS.—The Director may appoint
2 and fix the compensation of such officers and em-
3 ployees, including investigators, attorneys, and ad-
4 ministrative law judges, as may be necessary to
5 carry out the respective functions transferred under
6 this title. Except as otherwise provided by law, such
7 officers and employees shall be appointed in accord-
8 ance with the civil service laws and their compensa-
9 tion fixed in accordance with title 5, United States
10 Code.

11 (2) EXPERTS AND CONSULTANTS.—The Direc-
12 tor may obtain the services of experts and consult-
13 ants in accordance with section 3109 of title 5,
14 United States Code, and compensate such experts
15 and consultants for each day (including travel time)
16 at rates not in excess of the rate of pay for level IV
17 of the Executive Schedule under section 5315 of
18 such title. The Director may pay experts and con-
19 sultants who are serving away from their homes or
20 regular place of business travel expenses and per
21 diem in lieu of subsistence at rates authorized by
22 sections 5702 and 5703 of such title for persons in
23 Government service employed intermittently.

24 (f) DELEGATION AND ASSIGNMENT.—Except as oth-
25 erwise expressly prohibited by law or otherwise provided

1 by this title, the Director may delegate any of the func-
2 tions transferred to the Director by this title and any func-
3 tion transferred or granted to the Director after the date
4 of enactment of this Act to such officers and employees
5 of the Office of Juvenile Accountability as the Director
6 may designate, and may authorize successive redelegations
7 of such functions as may be necessary or appropriate. No
8 delegation of functions by the Director under this sub-
9 section or under any other provision of this title shall re-
10 lieve the Director of responsibility for the administration
11 of such functions.

12 (g) REORGANIZATION.—The Director is authorized to
13 allocate or reallocate any function transferred under sub-
14 section (b) among the officers of the Office of Juvenile
15 Accountability, and to establish, consolidate, alter, or dis-
16 continue such organizational entities in that Office as may
17 be necessary or appropriate.

18 (h) RULES.—The Director is authorized to prescribe,
19 in accordance with the provisions of chapters 5 and 6 of
20 title 5, United States Code, such rules and regulations as
21 the Director determines necessary or appropriate to ad-
22 minister and manage the functions of the Office of Juve-
23 nile Accountability.

24 (i) TRANSFER AND ALLOCATION OF APPROPRIA-
25 TIONS AND PERSONNEL.—Except as otherwise provided

1 in this title, the personnel employed in connection with,
2 and the assets, liabilities, contracts, property, records, and
3 unexpended balances of appropriations, authorizations, al-
4 locations, and other funds employed, used, held, arising
5 from, available to, or to be made available in connection
6 with the functions transferred by this title, subject to sec-
7 tion 1531 of title 31, United States Code, shall be trans-
8 ferred to the Office of Juvenile Accountability. Unex-
9 pended funds transferred pursuant to this subsection shall
10 be used only for the purpose for which the funds were
11 originally authorized and appropriated.

12 (j) INCIDENTAL TRANSFERS.—The Director of the
13 Office of Management and Budget, at such time or times
14 as the Director of that Office shall provide, is authorized
15 to make such determinations as may be necessary with
16 regard to the functions transferred by this title, and to
17 make such additional incidental dispositions of personnel,
18 assets, liabilities, grants, contracts, property, records, and
19 unexpended balances of appropriations, authorizations, al-
20 locations, and other funds held, used, arising from, avail-
21 able to, or to be made available in connection with such
22 functions, as may be necessary to carry out this title. The
23 Director of the Office of Management and Budget shall
24 provide for the termination of the affairs of all entities
25 terminated by this title and for such further measures and

1 dispositions as may be necessary to effectuate the pur-
2 poses of this title.

3 (k) EFFECT ON PERSONNEL.—

4 (1) IN GENERAL.—Except as otherwise pro-
5 vided by this title, the transfer pursuant to this sec-
6 tion of full-time personnel (except special Govern-
7 ment employees) and part-time personnel holding
8 permanent positions shall not cause any such em-
9 ployee to be separated or reduced in grade or com-
10 pensation for 1 year after the date of transfer of
11 such employee under this section.

12 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
13 as otherwise provided in this title, any person who,
14 on the day preceding the date of enactment of this
15 Act, held a position compensated in accordance with
16 the Executive Schedule prescribed in chapter 53 of
17 title 5, United States Code, and who, without a
18 break in service, is appointed in the Office of Juve-
19 nile Accountability to a position having duties com-
20 parable to the duties performed immediately preced-
21 ing such appointment shall continue to be com-
22 pensated in such new position at not less than the
23 rate provided for such previous positions, for the du-
24 ration of the service of such person in such new po-
25 sition.

1 (3) TERMINATION OF CERTAIN POSITIONS.—
2 Positions whose incumbents are appointed by the
3 President, by and with the consent of the Senate,
4 the functions of which are transferred by this title,
5 shall terminate on the date of enactment of this Act.

6 (1) SAVINGS PROVISIONS.—

7 (1) CONTINUING EFFECT OF LEGAL DOCU-
8 MENTS.—All orders, determinations, rules, regula-
9 tions, permits, agreements, grants, contracts, certifi-
10 cates, licenses, registrations, privileges, and other
11 administrative actions—

12 (A) that have been issued, made, granted,
13 or allowed to become effective by the President,
14 any Federal agency or official thereof, or by a
15 court of competent jurisdiction, in the perform-
16 ance of functions that are transferred under
17 this title; and

18 (B) that are in effect at the time this title
19 takes effect, or were final before the date of en-
20 actment of this Act and are to become effective
21 on or after the date of enactment of this Act,
22 shall continue in effect according to their terms until
23 modified, terminated, superseded, set aside, or re-
24 voked in accordance with law by the President, the

1 Director or other authorized official, a court of com-
2 petent jurisdiction, or by operation of law.

3 (2) PROCEEDINGS NOT AFFECTED.—This title
4 shall not affect any proceedings, including notices of
5 proposed rulemaking, or any application for any li-
6 cense, permit, certificate, or financial assistance
7 pending before the Office of Juvenile Justice and
8 Delinquency Prevention on the date on which this
9 title takes effect, with respect to functions trans-
10 ferred by this title but such proceedings and applica-
11 tions shall be continued. Orders shall be issued in
12 such proceedings, appeals shall be taken therefrom,
13 and payments shall be made pursuant to such or-
14 ders, as if this title had not been enacted, and orders
15 issued in any such proceedings shall continue in ef-
16 fect until modified, terminated, superseded, or re-
17 voked by a duly authorized official, by a court of
18 competent jurisdiction, or by operation of law. Noth-
19 ing in this paragraph shall be deemed to prohibit
20 the discontinuance or modification of any such pro-
21 ceeding under the same terms and conditions and
22 to the same extent that such proceeding could have
23 been discontinued or modified if this title had not
24 been enacted.

1 (3) SUITS NOT AFFECTED.—This title shall not
2 affect suits commenced before the date of enactment
3 of this Act, and in all such suits, proceedings shall
4 be had, appeals taken, and judgments rendered in
5 the same manner and with the same effect as if this
6 title had not been enacted.

7 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
8 tion, or other proceeding commenced by or against
9 the Office of Juvenile Justice and Delinquency Pre-
10 vention, or by or against any individual in the offi-
11 cial capacity of such individual as an officer of the
12 Office of Juvenile Justice and Delinquency Preven-
13 tion, shall abate by reason of the enactment of this
14 title.

15 (5) ADMINISTRATIVE ACTIONS RELATING TO
16 PROMULGATION OF REGULATIONS.—Any administra-
17 tive action relating to the preparation or promulga-
18 tion of a regulation by the Office of Juvenile Justice
19 and Delinquency Prevention relating to a function
20 transferred under this title may be continued by the
21 Office of Juvenile Accountability with the same ef-
22 fect as if this title had not been enacted.

23 (m) SEPARABILITY.—If a provision of this title or its
24 application to any person or circumstance is held invalid,
25 neither the remainder of this title nor the application of

1 the provision to other persons or circumstances shall be
2 affected.

3 (n) TRANSITION.—The Director is authorized to uti-
4 lize—

5 (1) the services of such officers, employees, and
6 other personnel of the Office of Juvenile Justice and
7 Delinquency Prevention with respect to functions
8 transferred to the Office of Juvenile Accountability
9 by this title; and

10 (2) funds appropriated to such functions for
11 such period of time as may reasonably be needed to
12 facilitate the orderly implementation of this title.

13 (o) REFERENCES.—Reference in any other Federal
14 law, Executive order, rule, regulation, or delegation of au-
15 thority, or any document of or relating to—

16 (1) the Administrator of the Office of Juvenile
17 Justice and Delinquency Prevention with regard to
18 functions transferred under subsection (b), shall be
19 deemed to refer to the Director of the Office of Ju-
20 venile Accountability; and

21 (2) the Office of Juvenile Justice and Delin-
22 quency Prevention with regard to functions trans-
23 ferred under subsection (b), shall be deemed to refer
24 to the Office of Juvenile Accountability.

1 (p) TECHNICAL AND CONFORMING AMENDMENT.—
 2 Section 5315 of title 5, United States Code, is amended
 3 by striking “Administrator, Office of Juvenile Justice and
 4 Delinquency Prevention”.

5 (q) ADDITIONAL CONFORMING AMENDMENTS.—

6 (1) RECOMMENDED LEGISLATION.—After con-
 7 sultation with the appropriate committees of the
 8 Congress and the Director of the Office of Manage-
 9 ment and Budget, the Administrator of the Bureau
 10 of Justice Assistance shall prepare and submit to
 11 the Congress recommended legislation containing
 12 technical and conforming amendments to reflect the
 13 changes made by this title.

14 (2) SUBMISSION TO THE CONGRESS.—Not later
 15 than 6 months after the date of enactment of this
 16 Act, the Administrator of the Bureau of Justice As-
 17 sistance shall submit the recommended legislation
 18 referred to in paragraph (1).

19 **TITLE IV—FEDERAL YOUTH VIO-**
 20 **LENCE PREVENTION ACT OF**
 21 **1996**

22 **SEC. 401. SHORT TITLE.**

23 This title may be cited as the “Federal Youth Vio-
 24 lence Prevention Act of 1996”.

1 **SEC. 402. FINDINGS.**

2 The Congress finds the following:

3 (1) Parents have primary responsibility for the
4 social, moral, emotional, physical, and cognitive de-
5 velopment of their children.

6 (2) The lack of supervision of youth by parents
7 and the lack of meaningful activity after school for
8 youth contributes to the spread of violent juvenile
9 delinquency in the form of youth and gang violence,
10 drug trafficking, dangerous and self-destructive be-
11 havior, and lack of hope among youth in our Nation.

12 (3) The United States expects too much of its
13 schools if the Nation asks the schools to meet single-
14 handedly the responsibilities described in paragraph
15 (1) in addition to accomplishing their basic edu-
16 cational mission. Only a strong partnership among
17 community members, local government, law enforce-
18 ment, juvenile and family courts, local schools and
19 local educational agencies, local businesses, philan-
20 thropic organizations, the religious community, and
21 families can create a community environment that
22 truly supports the youth of the Nation in reaching
23 their highest potential.

24 (4) Narrowly targeted categorical programs
25 have created a multitude of Federal funding streams
26 which have become a barrier to effective program co-

1 ordination and the provision of comprehensive serv-
2 ices for children and youth.

3 (5) It is critical that the Federal Government
4 encourage and empower communities to develop and
5 implement comprehensive youth development plans.

6 **SEC. 403. PURPOSES.**

7 It is the purpose of this title to support communities
8 that design strategic plans for youth development that—

9 (1) support the primary role of the family in
10 positive youth development;

11 (2) give priority to prevention of youth prob-
12 lems and crime through youth development;

13 (3) promote increased community coordination
14 and collaboration in meeting the developmental
15 needs of youth;

16 (4) support the development and expansion of
17 programs that respond to local needs; and

18 (5) promote community partnerships that link
19 youth development programs with services provided
20 by community-based youth development organiza-
21 tions, community-based youth-serving organizations,
22 community-based family-serving organizations, local
23 government (including parks and recreation agen-
24 cies), law enforcement, juvenile and family courts,

1 and local schools and local educational agencies, and
2 other segments of the community.

3 **SEC. 404. DEFINITIONS.**

4 For purposes of this title, the following definitions
5 shall apply:

6 (1) BUREAU.—The term “Bureau” means the
7 Bureau of Justice Assistance.

8 (2) COUNTY.—The term “county”, used to
9 refer to a political subdivision of Vermont, Rhode Is-
10 land, Connecticut, Hawaii, Alaska, or another State
11 with similar local government, means a city, town,
12 township, village, or other general purpose political
13 subdivision.

14 (3) DIRECTOR.—The term “Director” means
15 the Director of the Bureau of Justice Assistance.

16 (4) ELIGIBLE APPLICANT.—The term “eligible
17 applicant” means an applicant who meets the eligi-
18 bility requirements for a grant under this title.

19 (5) JUVENILE POPULATION.—The term “juve-
20 nile population” means the population of a State
21 under 18 years of age.

22 (6) OUTCOME OBJECTIVE.—The term “outcome
23 objective” means an objective that relates to the im-
24 pact of a program or initiative, with respect to the
25 participants in the program or initiative, the fami-

lies, peer groups, or schools of the participants, or the community that the program or initiative serves, including—

(A) an objective relating to reducing the incidence of high-risk behaviors, such as school failure, violence, teenage pregnancy, use of alcohol, use of illegal drugs, and juvenile delinquency, among youth in the community; and

(B) an objective relating to increasing protective factors and reducing risk factors for the participants, the families, peer groups, or schools of the participants, or the community.

(7) PROCESS OBJECTIVE.—The term “process objective” means an objective that relates to the manner in which a program or initiative is carried out, including—

(A) an objective relating to the degree to which the program or initiative is reaching its intended target population;

(B) an objective relating to the degree to which the program or initiative addresses known risk factors for youth problem behaviors and incorporates activities that inhibit the behaviors and that build on protective factors for youth;

1 (C) an objective relating to the number,
2 age, gender, and ethnicity of the youth involved
3 in the program or initiative;

4 (D) an objective relating to the degree to
5 which the services delivered are consistent with
6 the intended program model; and

7 (E) an objective relating to the cost of de-
8 livering services under the program or initiative.

9 (8) STATE.—The term “State” means any
10 State of the United States, the District of Columbia,
11 the Commonwealth of Puerto Rico, the Virgin Is-
12 lands, Guam, American Samoa, and the Common-
13 wealth of the Northern Mariana Islands, except that
14 for purposes of the allocation in section 405, Amer-
15 ican Samoa and the Commonwealth of the Northern
16 Mariana Islands shall be considered as one state and
17 that for these purposes, 67 percent of the amounts
18 allocated shall be allocated to American Samoa, and
19 33 percent to the Commonwealth of the Northern
20 Mariana Islands.

21 (9) STATE OFFICE.—The term “State office”
22 means an office designated by the chief executive of-
23 ficer of a State to carry out the provisions of this
24 title, as provided in section 507 of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3757).

3 (10) SUBSTANCE ABUSE.—The term “substance
4 abuse” has the meaning given the term in section
5 534 of the Public Health Service Act (42 U.S.C.
6 290cc–34).

7 (11) YOUTH.—The term “youth” means an in-
8 dividual who is not younger than age 6 and not
9 older than age 17.

10 **SEC. 405. ALLOCATION OF FUNDING.**

11 (a) IN GENERAL.—Amounts appropriated under this
12 title shall be allocated to the States as follows:

13 (1) 0.25 percent shall be allocated to each of
14 the participating States; and

15 (2) of the total funds remaining after the allo-
16 cation under paragraph (1), there shall be allocated
17 to each State an amount which bears the same ratio
18 to the amount of remaining funds described in this
19 paragraph as the juvenile population of such State
20 bears to the population of all the States.

21 (b) DISTRIBUTION BY STATES TO ELIGIBLE APPLI-
22 CANTS.—

23 (1) ELIGIBLE APPLICANTS.—Each State which
24 receives funds under subsection (a) of this section in

1 a fiscal year shall make available funds to eligible
2 applicants for the purposes specified in this title.

3 (2) PRIORITIZING.—In distributing funds re-
4 ceived under this title among eligible applicants, the
5 State shall give priority to those eligible applicants
6 serving jurisdictions with the greatest need in com-
7 bating crime.

8 (3) REMAINING FUNDS.—Any funds not distrib-
9 uted to eligible applicants under paragraph (2) shall
10 be available for expenditure by the State involved.

11 (c) APPLICATION REQUIRED.—No funds allocated to
12 a State under subsection (a) or received by a State for
13 distribution under subsection (b) may be distributed by
14 the Director or by the State involved for any program
15 other than a program contained in an approved applica-
16 tion.

17 (d) ALLOCATION OF FUNDS NOT REQUIRED.—If the
18 Director determines, on the basis of information available
19 during any fiscal year, that a portion of the funds allo-
20 cated to a State for that fiscal year will not be required
21 or that a State will be unable to qualify or receive funds
22 under this title, or that a State chooses not to participate
23 in the program established under this title, then such por-
24 tion shall be awarded by the Director to urban, rural, and
25 suburban units of local government or combinations there-

1 of within such State giving priority to those jurisdictions
2 with greatest need in combating crime.

3 **SEC. 406. STATE APPLICATION.**

4 To be eligible to receive funds under this title, the
5 State shall prepare, and submit to the Director, an appli-
6 cation at such time, in such manner, and containing such
7 information, as the Director may reasonably require. Such
8 application shall include, at a minimum, an assurance that
9 the State is prepared to administer such amount in com-
10 pliance with all the requirements of this title, and, in the
11 case of any application submitted after the first year in
12 which the State receives funds under this title, the State
13 shall submit to the Director an annual program report and
14 the results of an independent audit conducted by the State
15 concerning the administration of such funds.

16 **SEC. 407. LOCAL APPLICATION.**

17 (a) IN GENERAL.—Each application made by an eli-
18 gible applicant to a State for funds under this title shall
19 be deemed approved, in whole or in part, by the State not
20 later than 45 days after first received unless the State in-
21 forms the applicant in writing of specific reasons for dis-
22 approval. The State shall not finally disapprove any appli-
23 cation submitted to the State without first affording the
24 applicant reasonable notice and opportunity for reconsid-
25 eration.

1 (b) AVAILABILITY OF FUNDS.—Each State which re-
2 ceives funds under section 405 in a fiscal year shall make
3 such funds available to eligible applicants whose applica-
4 tion has been submitted to, approved and awarded by the
5 State, within 45 days after the Director has approved the
6 State application and has made funds available to such
7 State. The Director shall have the authority to waive the
8 45-day requirement in this section upon a finding that the
9 State cannot satisfy that requirement consistent with
10 State statutes.

11 **SEC. 408. DISTRIBUTION TO GRANT RECIPIENTS.**

12 (a) GRANTS.—

13 (1) IN GENERAL.—The State office shall award
14 grants in accordance with this subsection to pay for
15 the Federal share of carrying out youth development
16 programs addressing the process objectives and the
17 outcome objectives established under this title.

18 (2) DISTRIBUTION OF PROGRAM FUNDS.—

19 (A) IN GENERAL.—For each fiscal year for
20 which a State receives a State allotment, the
21 State shall distribute to each eligible applicant
22 in the State such amount as is necessary for
23 the purpose of conducting community-based
24 youth development programs that may include
25 elements of the following:

- 1 (i) address the process objectives, and
2 the outcome objectives;
- 3 (ii) incorporate components that pro-
4 mote competencies in youth such as—
 - 5 (I) social competencies, such as
6 work and family life skills, problem-
7 solving skills, and communication
8 skills; and
 - 9 (II) cognitive competencies, such
10 as knowledge, reasoning ability, cre-
11 ativity, and a lifelong commitment to
12 learning and achievement;
- 13 (iii) recognize the primary role of the
14 family in positive youth development in
15 order to strengthen families;
- 16 (iv) promote the involvement of youth
17 (including program participants), parents,
18 and other community members in the plan-
19 ning and implementation of the programs;
- 20 (v) identify specific protective factors
21 and reduce risk factors for youth;
- 22 (vi) coordinate services with other
23 youth and family services in the commu-
24 nity and help participants access the serv-
25 ices;

1 (vii) build relationships between posi-
2 tive adult role models and youth in pro-
3 gram settings;

4 (viii) encourage youth leadership and
5 civic involvement;

6 (ix) employ outreach efforts to youth
7 from low-income families and to the fami-
8 lies; or

9 (x) a relationship to an existing drug
10 and alcohol abuse treatment or rehabilita-
11 tion program.

12 (B) LIMIT ON USE OF FUNDS.—A program
13 may not use more than 10 percent of amounts
14 provided for preservice and inservice training
15 and educational materials and services for pro-
16 gram staff.

17 (C) APPLICATION.—To be eligible to re-
18 ceive an amount referred to in subparagraph
19 (A), the applicant shall prepare and submit to
20 the State an application, at such time, in such
21 manner, and containing such information as the
22 State may reasonably require to assure compli-
23 ance with this Act. Such application shall in-
24 clude, at a minimum, a description of the types
25 of activities and services for which the amount

1 will be provided, information indicating the ex-
2 tent to which the activities and services achieve
3 the purposes of this title and the purpose de-
4 scribed in subparagraph (A).

5 (D) PROHIBITION.—Funds may not be ap-
6 propriated under section 405 to carry out a
7 youth employment program providing sub-
8 sidized employment opportunities, job training
9 activities, or school-to-work activities for par-
10 ticipants.

11 (3) REQUEST FOR PROPOSALS.—The State of-
12 fice shall issue a request for proposals to apply for
13 a grant under paragraph (1). Such request shall
14 specify the process objectives and outcome objectives
15 to be addressed by the applicants submitting the
16 proposals.

17 (4) ELIGIBLE APPLICANTS.—

18 (A) IN GENERAL.—In awarding grants
19 under paragraph (1) for programs, the State
20 office shall take into account the extent to
21 which a program meets the objectives and goals
22 of this title. In the second and subsequent years
23 for which such grants are awarded, the State
24 office shall take into account the extent to
25 which the programs receiving funding through

1 such grants were successful in meeting the com-
2 munity process objectives and outcome objec-
3 tives for youth development programs, including
4 changes in protective factor and risk factor
5 levels.

6 (B) ENTITIES.—Entities eligible to receive
7 grants under this title are—

- 8 (i) a unit of local government;
- 9 (ii) the local police department or
10 sheriff's department;
- 11 (iii) the local prosecutor's office;
- 12 (iv) the local court system;
- 13 (v) the local public school system;
- 14 (vi) a local nonprofit, educational, reli-
15 gious, or community group active in crime
16 prevention or drug use prevention and
17 treatment; and
- 18 (vii) any combination of the entities
19 described in clauses (i) through (vi).

20 (5) GRANT APPLICATIONS.—To be eligible to
21 receive a grant under this subsection, an entity shall
22 submit an application to the State office at such
23 time, in such manner, and containing such informa-
24 tion as the State office may reasonably require.

1 (6) FUNDING PERIOD.—The State office may
2 award such a grant for a period of up to 3 years.
3 The State office may terminate the funding made
4 available through such grant during such grant pe-
5 riod for a program if the program fails to comply
6 with the requirements of this Act or if insufficient
7 Federal funds are appropriated under section 405 to
8 permit the continuation of funding for the full grant
9 period of all such grants awarded by the State of-
10 fice.

11 (7) RENEWALS OF GRANTS.—The State office
12 may renew grants made under paragraph (1). After
13 the initial grant period, in determining whether to
14 renew a grant to an entity to carry out activities, the
15 State office shall give substantial weight to the effec-
16 tiveness of the activities in achieving process objec-
17 tives and outcome objectives of this title.

18 (8) FEDERAL SHARE REQUIREMENT.—

19 (A) FEDERAL SHARE.—The Federal share
20 of the cost of carrying out a youth development
21 program described in paragraph (1) shall not
22 exceed 90 percent of the costs of a program
23 funded under this title.

24 (B) NON-FEDERAL SHARE.—In providing
25 for the remaining share of the cost of carrying

1 out such a program, each grant recipient under
2 this subsection—

3 (i) shall provide for such share
4 through non-Federal sources;

5 (ii) may provide for such share
6 through a payment in cash; and

7 (iii) may provide for not more than 50
8 percent of such share through a payment
9 in kind, fairly evaluated, including facili-
10 ties, equipment, or services.

11 (9) CONTINUATION OF PROGRAMS.—The State
12 office may award a grant under this subsection for
13 the continuation of any program carried out prior to
14 the date of enactment of this Act if the program in-
15 cludes elements described in section 408(a)(2)(A).

16 (b) ANNUAL REPORTS TO STATE OFFICE.—In carry-
17 ing out a program under this Act, each grant recipient
18 under subsection (a) shall, not later than 45 days after
19 the end of each fiscal year of the State office, prepare and
20 submit to the State office an annual report on the pro-
21 gram during the fiscal year, in such manner and contain-
22 ing such information as the Director may reasonably re-
23 quire to determine compliance with this Act.

24 (c) EVALUATIONS.—

1 (1) IN GENERAL.—The Director shall provide
2 for the rigorous and independent evaluation of the
3 delinquency and youth violence prevention programs
4 funded under this title. Evaluations and research
5 studies conducted pursuant to this title shall be
6 independent in nature, and shall employ rigorous
7 and scientifically recognized standards and meth-
8 odologies.

9 (2) CONTENT OF EVALUATIONS.—Evaluations
10 conducted pursuant to this title shall include meas-
11 ures of—

12 (A) reductions in delinquency, juvenile
13 crime, youth gang activity, youth substance
14 abuse, and other high-risk factors;

15 (B) reductions in risk factors in young
16 people that contribute to juvenile violence, in-
17 cluding availability of drugs, transitions and
18 mobility, neighborhood attachment, community
19 disorganization, extreme economic depression,
20 academic failure in schools, lack of commitment
21 to school, alienation and rebelliousness, atti-
22 tudes favorable to problem behavior, truancy,
23 and dropping out of school; and

1 (C) increase in protective factors that re-
2 duce the likelihood of delinquency and criminal
3 behavior.

4 (3) RESERVATION OF FUNDS FOR EVALUATION
5 AND RESEARCH.—

6 (A) IN GENERAL.—The Director shall re-
7 serve not less than 5 percent of funds appro-
8 priated to carry out this title in the first year
9 funds are appropriated and not less than 9 per-
10 cent of funds appropriated under this title in
11 subsequent years, to carry out the evaluation
12 and research required by this title. Funds allo-
13 cated for evaluation and research shall be re-
14 served for evaluating programs funded under
15 this title.

16 (B) APPLICATIONS, PROCESS, AND CRI-
17 TERIA.—Funds for evaluation and research
18 shall be allocated under a competitive program
19 that provides potential grantees with at least 90
20 days to submit applications for funds. Applica-
21 tions for funds shall be reviewed by qualified
22 scientists with expertise in the fields of crimi-
23 nology, juvenile delinquency, sociology, psychol-
24 ogy, research methodology, evaluation research,
25 statistics, and related areas. The evaluation

1 process shall conform to the process used by the
2 National Institute of Health, National Institute
3 of Justice, or National Science Foundation. The
4 evaluation criteria shall include the normal
5 standards of scientific conduct of evaluation re-
6 search, the nature and range of programs, as
7 well as the regional and location of programs.

8 **SEC. 409. REALLOTMENT AND REALLOCATION.**

9 (a) AUTHORITY TO ASSIST STATE OFFICES IN NON-
10 PARTICIPATING STATES/REALLOTMENT OF STATE
11 FUNDS.—

12 (1) IN GENERAL.—For any fiscal year for
13 which a State does not submit an application for an
14 allotment under section 406, the Director may use
15 the allotment of such State to make direct grants to
16 eligible State offices in the nonparticipating State.

17 (2) APPLICATION.—To be eligible to receive a
18 direct grant under paragraph (1), a State office
19 shall submit an application to the Director at such
20 time, in such manner, and containing such informa-
21 tion as the Director may reasonably require to as-
22 sure compliance with this Act, including any infor-
23 mation that a State office is required to submit in
24 an application under this title.

1 (b) STATE REALLOTMENT.—For any fiscal year for
2 which a State does not submit an application for an allot-
3 ment under section 405(c), and the Director does not use
4 the allotment as described in subsection (a), the Director
5 shall make the allotment of such State available to such
6 other States as the Director may determine to be appro-
7 priate.

8 (c) OBLIGATION AND EXPENDITURE OF FUNDS.—

9 (1) STATE OBLIGATION OF FUNDS.—Any State
10 that receives funds from the Director under this Act
11 shall obligate the funds (other than any amount re-
12 served under section 408(c)) not later than 6
13 months after the date of such receipt or return the
14 funds to the Director for reallocation in accordance
15 with subsection (b).

16 (2) STATE OFFICE OBLIGATION OF FUNDS.—
17 Any State office that receives funds from a State or
18 the Director under this Act shall obligate the funds
19 not later than 6 months after the date of such re-
20 ceipt or return the funds to the State for realloca-
21 tion in accordance with subsection (b), or to the Di-
22 rector for reallocation in accordance with subsection
23 (a), respectively.

24 (3) GRANT RECIPIENT EXPENDITURE OF
25 FUNDS.—Any grant recipient under section 408

1 shall expend the funds made available through the
 2 grant not later than 3 years after the date of such
 3 receipt or return the funds to the State for realloca-
 4 tion.

5 (d) SUPPLEMENT NOT SUPPLANT.—Funds appro-
 6 priated under this Act shall be used to supplement and
 7 not supplant other Federal, State, and local public funds
 8 expended to provide youth development programs for eligi-
 9 ble individuals.

10 **SEC. 410. AUTHORIZATIONS OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
 12 priated for the activities of this Act—

- 13 (1) \$500,000,000 for fiscal year 1997;
- 14 (2) \$500,000,000 for fiscal year 1998;
- 15 (3) \$500,000,000 for fiscal year 1999;
- 16 (4) \$500,000,000 for fiscal year 2000; and
- 17 (5) \$500,000,000 for fiscal year 2001.

18 (b) AVAILABILITY OF FUNDS.—Funds made avail-
 19 able pursuant to subsection (a), in any fiscal year, shall
 20 remain available until expended.

21 (c) ALLOCATION.—Funds shall be allocated as de-
 22 scribed in section 405 of this Act.

23 **SEC. 411. USES OF FUNDS.**

24 (a) LIMITS.—Of the amounts appropriated under this
 25 title, not more than 20 percent shall be used for preven-

1 tion programs. The remaining 80 percent of funds appro-
2 priated shall be expended in direct support of—

3 (1) the investigation, prosecution, or detention
4 of juvenile offenders; and

5 (2) the collection, distribution, and receipt of
6 records, including photographs and fingerprints, of
7 juvenile offenders that are equivalent to the records
8 that would be kept for adult offenders, if such
9 records are made available to law enforcement au-
10 thorities of any jurisdiction, and that are made
11 available to officials of any school, school district, or
12 postsecondary school where the individual who is the
13 subject of the juvenile record is enrolled or seeks, in-
14 tends, or is instructed to enroll, if such school offi-
15 cials are held liable to the same standards and pen-
16 alties to which law enforcement and juvenile justice
17 system employees are held liable under Federal and
18 State law, for the handling and disclosure of such
19 information.

20 (b) STATE REQUIREMENTS.—For a State to receive
21 the full amount of the grant authorized under this title,
22 the State must establish authority to prosecute as
23 adults—

24 (1) as a matter of law, juveniles age 14 and
25 older who commit the crime of murder or rape; and

1 (2) as a matter of law or as a matter of pros-
 2 ecutorial discretion, juveniles age 14 and older who
 3 commit the crime of armed robbery, aggravated as-
 4 sault, or distribution of controlled substances.

5 (c) PENALTY.—If a State has not established author-
 6 ity referred to in subsection (b), only 50 percent of the
 7 authorized grants amount shall be available to that State.

8 **SEC. 412. REPEAL OF UNNECESSARY AND DUPLICATIVE**
 9 **PROGRAMS.**

10 The following provisions of law and the amendments
 11 made thereby are hereby repealed:

12 (1) Subtitle A through S and subtitles U and
 13 X of title III, title V, and title XXVII of the Violent
 14 Crime Control and Law Enforcement Act of 1994.

15 (2) The Local Partnership Act.

16 (3) Title IV of the Elementary and Secondary
 17 Education Act.

18 (4) Part C of title V of the Elementary and
 19 Secondary Education Act.

20 (5) Section 517 of the Public Health Service
 21 Act.

22 (6) Part D of title II of the Juvenile Justice
 23 and Delinquency Prevention Act.

24 (7) Part G of title II of the Juvenile Justice
 25 and Delinquency Prevention Act.

1 (8) Title V of the Juvenile Justice and Delin-
2 quency Prevention Act.

3 (9) Section 408 of the Human Services Reau-
4 thorization Act.

5 (10) Section 682 of the Community Services
6 Block Grants Act.

7 (11) Chapters 1 and 2 of subtitle B of title III
8 of the Anti-Drug Abuse Act.

9 **SEC. 413. CIVIL MONETARY PENALTY SURCHARGE.**

10 (a) IMPOSITION.—Notwithstanding any other provi-
11 sion of law, a surcharge of 40 percent of the principal
12 amount of a civil monetary penalty shall be added to each
13 civil monetary penalty at the time it is assessed by the
14 United States or an agency thereof.

15 (b) EFFECTIVE DATES.—A surcharge under sub-
16 section (a) shall be added to all civil monetary penalties
17 assessed on or after October 1, 1996, or the date of enact-
18 ment of this title, whichever is later. The authority to add
19 a surcharge under this section shall terminate at 11:59
20 p.m. eastern standard time on October 1, 2001.

21 (c) LIMITATION.—The provisions of this section shall
22 not apply to any monetary penalty assessed under the In-
23 ternal Revenue Code of 1986.

1 **SEC. 414. HOUSING JUVENILE OFFENDERS.**

2 Section 20105(a)(1) of subtitle A of title II of the
3 Violent Crime Control and Law Enforcement Act of 1994
4 (as amended by section 114(a) of the Departments of
5 Commerce, Justice, and State, the Judiciary, and Related
6 Agencies Appropriations Act, 1996 in section 101(a) of
7 Public Law 104–134) is amended by striking “15” and
8 inserting “30”.

9 **SEC. 415. FUNDING SOURCE.**

10 Appropriations for activities authorized in this title
11 may be made from the Violent Crime Reduction Trust
12 Fund.

○